

Report of the

Public Utilities Commission

OF UTAH

To the Governor



For the Period January 1, 1931 to December 31, 1931.

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 1931.

STATISTICS

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

Cases pending from 1928	2
Cases pending from 1929	3
Cases pending from 1930	22
Cases filed in 1931	58
<hr/> Total	85
Cases disposed of in 1931	63
Cases pending from 1930	4
Cases pending from 1931	18
<hr/> Total	85

In addition to the above formal cases before the Commission, 132 informal matters were brought before the Commission of which 117 were satisfactorily disposed of, and 15 were pending at the end of the year. A list of the foregoing will be found elsewhere in this report.

The Commission also issued 253 Ex Parte Orders, 9 Grade Crossing Permits, 18 Certificates of Convenience and Necessity, and 3 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

(Seal)

Commissioners.

ATTEST:

(Signed) F. L. OSTLER, Secretary

FINANCES OF THE COMMISSION

The following is a statement of the finances of the Commission from January 1, 1931 to and including December 31, 1931.

SALARIES:**Appropriations, allowances and receipts:**

Unexpended appropriation, January 1, 1931.....	\$12,054.64
Appropriation, July 1, 1931 to June 30, 1933.....	42,630.00
Receipts, January 1, 1931 to June 30, 1931.....	656.55
Receipts, July 1, 1931 to December 31, 1931.....	24.30

Total\$55,365.49

Disbursements:

Salaries, Commissioners, January 1, 1931 to December 31, 1931	\$12,000.00
Salaries, Clerical, January 1, 1931 to December 31, 1931	9,558.18
Balance lapsed into General Fund, period ended June 30, 1931	1,712.81

Total\$23,270.99

Available Balance unexpended, December 31, 1931.... 32,094.50

\$55,365.49

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

Unexpended appropriation, January 1, 1931.....	\$ 1,555.62
Appropriation, July 1, 1931 to June 30, 1933.....	3,200.00
Receipts, January 1, 1931 to June 30, 1931.....	31.20
Receipts, July 1, 1931 to December 31, 1931.....	25.40

Total\$ 4,812.22

Disbursements:

Disbursements, January 1, 1931 to December 31, 1931	\$ 1,664.16
Balance lapsed into General Fund, period ended June 30, 1931	226.17

Total\$ 1,890.33

Available Balance unexpended, December 31, 1931.... 2,921.89

\$ 4,812.22

TRAVEL:**Appropriations, allowances and receipts:**

Unexpended appropriation, January 1, 1931.....	\$ 1,455.29
Appropriation, July 1, 1931 to June 30, 1933.....	1,500.00

Total\$ 2,955.29

Disbursements:

Disbursements, January 1, 1931 to December 31, 1931	\$ 446.30
Receipts transferred to Equipment Account.....	350.00
Balance lapsed into General Fund, period ended June 30, 1931	1,007.59

Total\$ 1,803.89

Available Balance unexpended, December 31, 1931 1,151.40

\$ 2,955.29

EQUIPMENT:**Appropriations, allowances and receipts:**

Unexpended appropriation, January 1, 1931.....	\$ 49.78
Appropriation, July 1, 1931 to June 30, 1933.....	400.00
Receipts, January 1, 1931 to June 30, 1931.....	150.00
Receipts transferred from Travel Account.....	350.00
Receipts, June 1, 1931 to December 31, 1931.....	20.00

Total\$ 969.78

Disbursements:

Disbursements, January 1, 1931 to December 31, 1931	\$ 535.50
Balance lapsed into General Fund, period ended June 30, 1931	104.86

Total\$ 640.36
Available Balance unexpended, December 31, 1931.... 329.42

Receipts in Suspense Account, not allocated to a particular fund, December 31, 1931.....\$ 300.00

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of filing bond for the payment of fees and taxes by R. C. Murdock, to cover his freight line between Beaver and Milford, Utah. } Case No. 609

ORDER OF THE COMMISSION

By the Commission:

Under date of February 23, 1923, the Public Utilities Commission of Utah issued its Report and Order granting the application of R. C. Murdock, for permission to operate an automobile freight line between Beaver and Milford, Utah, under Certificate of Convenience and Necessity No. 172.

It appears that applicant's bond for the payment of fees and taxes has been cancelled as of March 6, 1931, and a new bond to replace same as required by Chapter 114, Laws of Utah, 1925, has not as yet been filed.

IT IS THEREFORE ORDERED, That all operations and service under Certificate of Convenience and Necessity No. 172, issued to R. C. Murdock, shall cease until the provisions of Chapter 114, Laws of Utah, 1925 are complied with by him.

Dated at Salt Lake City, Utah, this 2nd day of April, 1931.

(Signed) E. E. CORFMAN

THOS. E. McKAY

G. F. McGONAGLE

(Seal)

Attest:

Commissioners.

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of R. C. MURDOCK, for permisison to operate an automobile truck freight line between Beaver and Milford, Utah. } Case No. 609

ORDER

By the Commission:

On June 13, 1931, the Public Utilities Commission issued an Order in the above entitled case, citing R. C. Murdock to appear before it to show cause, if any he had, why his certificate of convenience and necessity should not be cancelled for failure to file his annual report as required by Section 4796, Compiled Laws of Utah, 1917.

The said R. C. Murdock filed his annual report with the Commisison on June 20, 1931.

IT IS THEREFORE ORDERED, That the Commission's Order of June 13, 1931, be, and it is hereby, set aside and vacated, and that Certificate of Convenience and Necessity No. 172, issued to R. C. Murdock remain in good standing.

Dated at Salt Lake City, Utah, this 26th day of June, 1931.

(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 R. C. MURDOCK, for permission to operate an automobile freight line between Beaver and Milford, Utah. } Case No. 609

CANCELLATION ORDER

By the Commission:

The Public Utilities Commission issued its Order on November 2, 1931, citing R. C. Murdock of Beaver, Utah, to appear before it on November 9, 1931, at 10:30 A. M., at its office in Salt Lake City, Utah, to show cause why Certificate of Con-

venience and Necessity No. 172, issued to him in Case No. 609 authorizing him to operate an automobile freight line between Beaver and Milford, Utah, should not be cancelled for failure to comply with the insurance requirements as provided in Chapter 114, Laws of Utah, 1925. The said R. C. Murdock failed to appear before the Commission at the appointed time and place.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 172, issued to R. C. Murdock, authorizing him to operate an automobile freight line between Beaver and Milford, Utah, be, and it is hereby, cancelled and annulled, and his right to operate said automobile freight line, be, and it is hereby, revoked for failure to comply with the insurance requirements as provided in Chapter 114, Laws of Utah, 1925.

Dated at Salt Lake City, Utah, this 16th day of November, 1931.

(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 filing bond for the payment of fees and taxes by the Spring Canyon Stage Line to cover operation of passenger stage line between Helper and Mutual, Utah.	}	Case No. 717
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ORDER OF THE COMMISSION

By the Commission:

Under date of May 17, 1924, the Public Utilities Commission of Utah issued its Report and Order in Case No. 717, granting the application of Charles P. Lange, Robert Cormani, Peter Laboroi, and John Laboroi, doing business as the Spring Canyon Stage Line, authorizing the operation of a passenger stage line between Helper and Mutual, Utah, and intermediate points, under Certificate of Convenience and Necessity No. 208.

It appears that the applicants' bond for the payment of

fees and taxes was cancelled as of February 11, 1931, and a new bond to replace same as required by Chapter 114, Laws of Utah, 1925, has not as yet been filed with the Commission.

IT IS THEREFORE ORDERED, That all operations and service under Certificate of Convenience and Necessity No. 208 shall cease until the provisions of Chapter 114, Laws of Utah, 1925, are complied with by the Spring Canyon Stage Line.

Dated at Salt Lake City, Utah, this 2nd day of April, 1931.

(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 filing bond for the payment of fees and taxes by the Spring Canyon Stage Line to cover operation of pas- senger stage line between Helper and Mutual, Utah.	}	Case No. 717
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ORDER OF THE COMMISSION

By the Commission :

Under date of April 2, 1931, the Commission issued its Order in the above entitled matter, suspending the operations of the Spring Canyon Stage Line between Helper and Mutual, Utah, authorized by Certificate of Convenience and Necessity No. 208, until such time as bond for the payment of fees and taxes required by the provisions of Chapter 114, Laws of Utah, 1925, was filed with the Commission.

It now appearing that the provisions of Chapter 114, Laws of Utah, 1925, have been fully complied with, and said bond for the payment of fees and taxes has been filed in the office of the Commission :

IT IS ORDERED, That said Order of the Commission dated April 2, 1931, be and it is hereby, set aside and vacated.

Dated at Salt Lake City, Utah, this 24th day of April, 1931.

(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 E. B. PARRY, for permission to operate an automobile passenger stage line between Salt Lake City, American Fork, Pleasant Grove, and Provo, Utah, around what is known as the Timpanogos Loop.</p>	}	Case No. 931
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ORDER

By the Commission:

On May 13, 1931, the Public Utilities Commission issued its Order in the above entitled matter, citing E. B. Parry to appear at its office on June 19, 1931, to show cause, if any he had, why Certificate of Convenience and Necessity No. 299, authorizing him to operate an automobile passenger bus line between Provo, Pleasant Grove, and American Fork, Utah, around what is known as the Timpanogos Loop should not be cancelled and annulled for failure to file annual report in accordance with the provisions of Section 4796, Compiled Laws of Utah, 1917. Said E. B. Parry failed to appear before the Commission in compliance with its said Order.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 299, issued to E. B. Parry, be, and it is hereby, cancelled and annulled, and the right of said E. B. Parry to operate an automobile passenger bus line between Provo, Pleasant Grove, and American Fork, Utah, around what is known as the Timpanogos Loop be, and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 26th day of June, 1931.

(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 WALTER K. JOHNSON, to withdraw from and T. W. BOYER, TRUSTEE, to assume operation of automobile passenger stage line between Eureka and Payson, Utah, and intermediate points.	}	Case No. 941
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ORDER

By the Commission :

In the Matter of the application of Walter K. Johnson to withdraw from and T. W. Boyer, Trustee, to assume operation of automobile passenger stage line between Eureka and Payson, Utah, and intermediate points, the Commission having heretofore issued its order requiring T. W. Boyer, Trustee, to appear before it on the 16th day of November, 1931, at 11:00 A. M., to show cause, if any he has, why Certificate of Public Convenience and Necessity No. 283, issued to the said T. W. Boyer, Trustee, on the 31st day of December, 1926, should not be cancelled and annulled by reason of the said T. W. Boyer, Trustee, having failed and neglected to operate the automobile passenger stage line between Eureka and Payson, Utah, and intermediate points, authorized by said certificate, and the said T. W. Boyer, Trustee, having failed and neglected to appear and show any cause whatever why said certificate should not be cancelled and revoked, and it further appearing that the said T. W. Boyer, Trustee, has failed and neglected for more than 12 months to operate said passenger stage line in accordance with said Certificate No. 283.

NOW, THEREFORE, IT IS HEREBY ORDERED, By reason of the premises, that said Certificate of Convenience and Necessity No. 283, issued to T. W. Boyer, Trustee, be, and the same is hereby, cancelled and annulled.

Dated at Salt Lake City, Utah, this 27th day of November, 1931.

(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 PICKWICK STAGE LINES, INC., for permission to operate an automobile bus line, for the transportation of passengers, baggage, and express, over the Victory Highway between Salt Lake City and the Utah-Nevada State Line; and over the United States Highway No. 91 between Salt Lake City and Ogden; and over United States Highway No. 30 between Ogden and the Utah-Wyoming State Line; serving said termini and all intermediate points. } Case No. 1035

In the Matter of the Application of the GREAT WESTERN MOTORWAYS, INC., for permission to operate an automobile bus line, for the transportation 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 between Ogden and the Utah-Wyoming State Line, and all intermediate points. } Case No. 1053

Submitted: September 19, 1928. Decided: November 27, 1931

Appearances:

Geo. F. Wasson, F. B. Austin, and W. E. Libby,	}	for Pickwick Stage Lines, Inc. Attorneys,
L. L. Robinson, Attorney,	}	for Great Western Motorways, Inc.
Geo. H. Smith and Dana T. Smith, Attorneys,	}	for Los Angeles & Salt Lake Railroad Company.
Vernon Synder, Attorney,	}	for Ogden-Coalville Stage Line.
F. M. Orem, Attorney	}	for Henry I. Moore and D. P. Abercrombie, Receivers for Salt Lake & Utah R.R. Co.
L. E. Gehan,	}	for American Railway Express Company.

E. W. Schneider, Attorney	{	for Grantsville-Salt Lake Stage
		Line.
Van Cott, Riter & Farnsworth, Attorneys,	{	for The Denver & Rio Grande
		Western Railroad Co.
Irvine, Skeen & Thurman, Attorneys,	{	for Bamberger Transportation
		Company.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 9, 1928, Pickwick Stage Lines, Inc. filed an application with this Commission for a certificate of convenience and necessity authorizing operation of motor bus line to carry passengers, baggage, and express over the highways in the State of Utah between Utah-Nevada State Line, near Wendover, Utah, and the Utah Wyoming State Line, east of Wahsatch, Utah, over the Victory Highway between Utah-Nevada State Line and Salt Lake City, over U. S. Highway No. 91 between Salt Lake City and Ogden over U. S. Highway No. 30-S between Ogden and the Utah-Wyoming State Line, serving said termini and all intermediate points.

Application sets forth that Pickwick Stage Lines, Inc. is a corporation existing under and by virtue of the Laws of the State of Nevada, and that it is duly qualified to transact business within the State of Utah; that a copy of applicant's articles of incorporation has heretofore been filed with the Commission; that applicant proposes to operate over and along the said route a daily motor stage service, operating one or more schedules daily in each direction, as the needs of the traffic may require; and that applicant desires permission to expand the schedules when necessity demands; that applicant has sufficient equipment of latest design, consisting of comfortable and commodious motor coaches for the purpose of giving this service; that applicant will provide necessary indemnity and liability insurance to protect the public; that applicant is conducting an inter-state motor bus service for transportation of passengers, baggage, and express between Los Angeles, California, and Salt Lake City, Utah, and connecting at Salt Lake City with a direct and through route between the cities of San Francisco, California, and Denver, Colorado, and other eastern points; that applicant proposes to coordinate local service herein sought with said through service; that there is considerable demand on the part of the public for transportation of passengers, baggage, and express over and along the route as herein applied for; that the exist-

ing service is not adequate to meet the needs, and that in order to satisfy the requirements, a certificate should be granted authorizing local service; that applicant is financially able and willing to provide adequate facilities for the comfort of passengers.

Under date of June 28, 1928, application was filed by the Great Western Motorways, Inc., for permission to operate an automobile bus line for the transportation of passengers, baggage, and express over the Victory Highway between Salt Lake City and the Utah Nevada State Line, near Wendover, Utah, and over U. S. Highway No. 91 between Salt Lake City and Ogden, and over U. S. Highway No. 30-S between Ogden and the Utah-Wyoming State Line and all intermediate points.

Said application sets forth that the Great Western Motorways, Inc., is a corporation duly organized and existing under and by virtue of the Laws of the State of Utah for the purpose of conducting automobile bus service; that a copy of its articles of incorporation is on file with the Commission; that applicant, if granted permission by the Public Utilities Commission, proposes to serve all intermediate points with passenger, baggage, and express service; that applicant is at the present time conducting an interstate bus service between Salt Lake City and the Utah-Wyoming State Line on its route to Denver, Colorado; that applicant proposes, commencing early in July, to operate an inter-state bus line between Salt Lake City and San Francisco, California; that it is the intention to operate one or more schedules daily over said route as needs and demands may require; that applicant is the owner of considerable equipment, and is in a position to establish adequate facilities for the comfort of its passengers; that applicant now operates daily bus service between Salt Lake City, Utah, and Los Angeles, California, over the Arrowhead Trail; that applicant is financially able to operate the service applied for, and to furnish the necessary indemnity and liability insurance.

Inasmuch as these cases involves exactly the same service, they were consolidated for hearing at Salt Lake City, Utah, commencing July 5, 1928, at 10:00 A. M., after due and legal notice was given to all interested parties. Applicants set forth that there is a demand for local service between points as outlined in their applications. Protests were received from the American Railway Express Company, which affords express service over the Los Angeles & Salt Lake Railroad between Salt Lake City and Mills, Utah, over the Western Pacific Railroad between Wendover and Salt Lake City, Utah, over the Bamberger Electric Railroad between Salt Lake City and

Ogden, and over the Union Pacific Railroad between Ogden and Wahsatch, Utah, setting forth that it renders the public ample, courteous, convenient, and efficient express service, and that no need exists for additional express service.

Protest of The Denver & Rio Grande Western Railroad Company sets forth that it is a common carrier of freight, passengers, and express over its railroad line between Salt Lake City and Ogden, Utah, operating two passenger trains daily in each direction.

The protest of the Oregon Short Line Railroad Company, Union Pacific Railroad Company, and Los Angeles & Salt Lake Railroad Company, all corporations of the State of Utah operating rail service between Salt Lake City and Wendover, Utah, and intermediate points, between Salt Lake City and Ogden, Utah, and intermediate points, and between Ogden, Utah, and the Utah-Wyoming State Line and intermediate points, sets forth that such territory is sufficiently well served; that there is no necessity for additional transportation service between these points.

Protestant Howard J. Spencer sets forth that he is the holder of Certificate No. 72, which authorizes automobile bus service between Salt Lake City and Tooele, Utah, and intermediate points; that he conducts three round trips daily, and that he is ready and willing, and has sufficient equipment, and is financially able to extend this service when the public demands require; that at present he is giving all the service for passengers, baggage, and express that is needed between these points.

Protestant Lester A. Bolinder sets forth that he is operating a bus and truck line between Salt Lake City and Grantsville, Utah, and intermediate points by virtue of Certificate of Convenience and Necessity No. 262, issued by this Commission; that he makes two round trips daily for the purpose of transporting passengers, express, mail, and freight; that this service is wholly adequate to meet the needs and requirements of the travelling public; that he is ready and willing to extend his service should necessity arise.

Protestant J. C. Wilson sets forth that he is a common carrier operating a bus line between Ogden and Coalville, Utah, and intermediate points by permission of the Public Utilities Commission of Utah, as authorized in Certificate of Convenience and Necessity No. 311; that he makes one round trip daily for the purpose of transporting passengers between said points.

After giving consideration to the evidence adduced, the Commission finds that the territory between Salt Lake City and Wendover, Utah, is adequately served by the American

Railway Express Company, the Western Pacific Railroad Company, the Los Angeles & Salt Lake Railroad Company, Howard J. Spencer who renders automobile bus service for passengers, baggage, and express between Salt Lake City and Tooele, Utah, and intermediate points, and L. A. Bolinder who furnishes passenger, baggage, and freight service between Salt Lake City and Grantsville, Utah, and certain intermediate points.

The Commission also finds that the territory between Salt Lake City and Ogden, Utah, is adequately served by the Oregon Short Line Railroad, The Denver & Rio Grande Western Railroad, the Bamberger Electric Railroad, and the American Railway Express Company for the transportation of passengers, baggage, express, and freight; that the territory between Ogden and Utah-Wyoming State Line is adequately served through the medium of the Union Pacific Railroad Company, and the bus line operated by J. C. Wilson; and in view of the conditions which have developed since the hearing, that at the present time necessity and convenience do not require that certificates be granted as applied for.

IT IS THEREFORE ORDERED, That the applications of the Pickwick Stage Lines, Inc., and the Great Western Motorways, Inc., for certificates of convenience and necessity to operate automobile bus service for the transportation of passengers, baggage, and express between Wendover, Utah, and Salt Lake City, Utah, over Victory Highway (U. S. Highway No. 40), between Salt Lake City and Ogden, Utah, over U. S. Highway No. 91, and between Ogden and the Utah-Wyoming State Line over U. S. Highway No. 30-S be, and they are 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 WALTER S. YOUNG, for permission to operate an automobile freight and express line from Woodland, Summit County, Utah, or from any point between Peoa and Woodland to Salt Lake City, Utah.

Case No. 1080

CANCELLATION ORDER

By the Commission:

The Public Utilities Commission on April 27, 1929, issued Certificate of Convenience and Necessity No. 337, authorizing Walter S. Young to operate an automobile freight and express service from Woodland, or from any point between Peoa and Woodland to Salt Lake City, Utah.

It now appears that insurance as required by Chapter 114, Laws of Utah, 1925 has been cancelled as of April 25, 1931, and that no policy has been filed to replace same.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 337, issued to Walter S. Young, be and it is hereby, cancelled and annulled, and the right of the said Walter S. Young to operate an automobile freight and express line from Woodland, Utah, or from any point between Peoa and Woodland, Utah, to Salt Lake City, Utah, be and it is hereby, revoked.

Dated at Salt Lake City, Utah, this 12th day of May, 1931.

(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 J. AUSTIN COPE, for permission to oper- ate an automobile truck line between Marysville, Piute County, and Tropic, Cannonville, and Henrieville.	}	Case No. 1082
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ORDER

By the Commission:

This matter came on for hearing before the Public Utilities Commission at its office in the state capitol, on the 24th day of June, 1930. The applicant did not appear, nor did any one to represent him appear in his behalf. For the purpose of protesting the application, George H. Baldwin, Allen Smith, Maben Johnson, and John H. Davis, all residents of the territory to be served, appeared and protested the granting of the application for the reason that public convenience and necessity did not require the service in that territory.

By reason of the applicant having failed to appear in his

own behalf at the time and place fixed by the Commission for the hearing of this matter, and the fact that a continuance of the hearing would work a great hardship and occasion considerable expense on the part of the protestants, now therefore, on motion of the protestants aforesaid:

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

Dated at Salt Lake City, Utah, this 4th day of August, 1931.

(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 INTER-STATE TRANSIT LINES, a Corporation, to operate a passenger bus, baggage, and express automobile line between Salt Lake City, Utah, over United States Highways Nos. 91 and 30-S, and the Utah-Wyoming State Line. } Case No. 1128

In the Matter of the Application of the UNION PACIFIC STAGES, INCORPORATED, a Corporation, to operate a passenger bus, baggage, and express automobile line between Ogden, Utah, and the Utah-Idaho State Line, along United States Highway No. 91 and all intermediate points, and from points within that zone to all points south of Ogden on United States Highway No. 91 to Salt Lake City, and to all points east of Ogden on United States Highway No. 30-S, and from Brigham City, Utah, to the Utah-Idaho State Line and all intermediate points along United States Highway No. 30-S and State Highway No. 41, and from points within that zone to all points on United States Highway No. 91 between Salt Lake City, Utah, and the Utah-Idaho State Line and on United States Highway No. 30-S to the Utah-Wyoming State Line. } Case No. 1173

In the Matter of the Application of PICKWICK STAGE LINES, INCORPORATED, a Corporation, for a certificate of public convenience and necessity, authorizing the operation of a motor stage passenger, baggage, and express line between Ogden, Utah, and the Utah-Idaho State Line along and over United States Highway No. 91 and all intermediate points and from points within that zone to all points south of Ogden on United States Highway No. 91 to Salt Lake City, Utah, and from Salt Lake City, Utah, and intermediate points south of Ogden, Utah, on said Highway No. 91 to points north of Ogden on said Highway No. 91, and from Ogden, Utah, to all points east on United States Highway No. 30-S to the Utah-Wyoming State Line.

Case No. 1179

Submitted: August 5th, 1930. Decided May 8th, 1931.

Appearances:

George H. Smith, John V. Lyle, R. B. Porter, and W. Hal Farr, Attorneys, Salt Lake City, Utah. } for Applicants, Interstate Transit Lines and Union Pacific Stages, Inc.

George F. Wasson, Attorney, Salt Lake City, Utah. } for Applicant, Pickwick Stage Lines, Inc.

J. H. Devine and J. H. Howell, Attorneys, Ogden, Utah. } for Protestant, The Utah-Idaho-Central Railroad Company.

Irvine, Skeen, and Thurman, Attorneys, Salt Lake City, Utah. } for Protestant, Bamberger Electric Railroad Company.

Van Cott, Riter and Farnsworth, Attorneys, Salt Lake City, Utah. } for Protestant, The Denver & Rio Grande Western Railroad Company.

Hans B. Nielsen, Mayor. } for Protestant, Hyrum City, Utah.

C. F. Olsen, Hyrum, Utah. } for Protestants, Board of Education of Cache County School District, and Lions Club of Hyrum, Utah.

REPORT OF THE COMMISSION

By the Commission:

On the 29th day of July, 1929, the Interstate Transit Lines filed with the Public Utilities Commission an application for a certificate of convenience and necessity, authorizing and permitting it to operate a passenger bus, baggage, and express automobile line in the State of Utah, over United States Highways Nos. 91 and 30-S, between Salt Lake City, Utah, and the Utah-Wyoming State Line, and for permission to serve all the towns and villages intermediate along said highways between Ogden, Utah, and the Utah-Wyoming State Line, and also for permission to serve locally from and to all points south of Ogden, Utah, to and from all points east thereof, excluding only points between Salt Lake City and Ogden, and points intermediate thereto, the same being designated herein as Case No. 1128.

On the 21st day of June, 1930, the Union Pacific Stages, Inc., filed with the Commission an application for a certificate of public convenience and necessity, authorizing and permitting it to operate as a common carrier, a passenger bus, baggage, and express automobile line over the public highway between Ogden, Utah, and the Utah-Idaho State Line, along and over United States Highway No. 91, including all intermediate points and from points within that zone to all points south of Ogden on United States Highway No. 91 to Salt Lake City, Utah, and to all points east of Ogden, Utah, on United States Highway No. 30-S, and from Brigham City, Utah, to the Utah-Idaho State Line and all intermediate points along United States Highway No. 30-S and State Highway No. 41, and from points within that zone to all points on United States Highway No. 91, between Salt Lake City, Utah, and the Utah-Idaho State Line and on United States Highway No. 30-S to the Utah-Wyoming State Line, said application being designated herein as Case No. 1173.

On the 9th day of July, 1930, the Pickwick Stage Lines, Incorporated, filed with the Commission an application for a certificate of public convenience and necessity, authorizing and permitting it to operate a motor stage passenger, baggage, and express line over United States Highway No. 91, between Ogden, Utah, and the Utah-Idaho State Line, serving all intermediate points and from points within that zone to all points south of Ogden, Utah, on United States Highway No. 91 to Salt Lake City, Utah, and from Salt Lake City, Utah, and intermediate points north on said Highway No. 91 to points north of Ogden on said Highway No. 91, and from

Ogden to all points east on United States Highway No. 30-S to the Utah-Wyomnig State Line, the same being designated herein as Case No. 1179.

Numerous protests were made before the Commission to the granting of these applications, more especially on the part and in behalf of the Utah-Idaho Central Railroad Company, the Bamberger Electric Railroad Company, and the Bamberger Transportation Company. Many civic organizations, and individuals as well, appeared representing the territory that would be affected by the granting of the applications, some for, others against granting them as applied for by the Applicants.

The several cases came on regularly for hearing before the Commission after due notice given upon the said applications and the protests made thereto at its office in the State Capitol, Salt Lake City, Utah, on the 28th day of July, 1930, and by reason of the fact that the several applications were in a large measure affecting the same highways and territory, it was ordered by the Commission that they be combined as one for the purpose of a hearing and determination as to which, if any, of the applications should be granted. Their hearing was continued from time to time upon application of the interested parties and finally concluded on the 5th day of August, 1930.

From the admitted facts and the evidence adduced for and in behalf of the several applicants and all interested parties, the Commission finds and reports as follows:

1. The Applicant, Interstate Transit Lines, is a corporation duly organized and existing under and by virtue of the Laws of the State of Nebraska, and as a foreign corporation, it is empowered to do business within the State of Utah.

It is a subsidiary of the Union Pacific Railroad Company, a corporation under the Laws of the State of Utah, and is amply financed by it so as to enable it to provide all necessary automobile and other equipment for the rendering of the service proposed by its application herein, from the Utah-Wyoming State Line to Ogden, Utah, over United States Highway No. 30-S, and from Ogden to Salt Lake City, over United States Highway No. 91, the same to become a part of its intended operation or service between Omaha, Nebraska, and Salt Lake City, Utah. Said service through Utah would closely parallel the railroad lines of the Union Pacific Railroad Company, a part of the Union Pacific System, and it is proposed that if there should be any interruption in the bus service by reason of weather conditions or otherwise, passen-

gers riding the buses shall be taken on and cared for by the train service without additional charge, and that there shall be a general coordination of rail and bus services between these two transportation agencies, so as to meet the needs and convenience of their patrons.

2. The Applicant, Union Pacific Stages, Incorporated, is a corporation duly organized and existing under and by virtue of the Laws of the State of Oregon. It is duly qualified to do business in the State of Utah, having filed its articles of incorporation with the Secretary of State, and by otherwise complying with Utah Laws, as has also the said Interstate Transit Lines. It is also a subsidiary of the Union Pacific System and amply financed by it so as to be able to render the automobile service herein proposed by it. It is now, and for some time past has been rendering automobile service both intrastate and interstate over certain public highways of Idaho and Oregon, including an interstate service between Portland, Oregon, and Salt Lake City, Utah. It proposes, also, to coordinate its bus service with that of the rail service of the Oregon Short Line Railroad Company and Union Pacific Railroad Company, also parts of the Union Pacific System, so that in case of any interruption of its bus service, its passengers may be taken care of by rail service without extra cost to them, and to otherwise provide for the needs and convenience of patrons as proper occasions may require.

The purpose of this application and that of the Interstate Transit Lines, as well, is to carry out a general plan to coordinate automobile bus service with rail service of the main line railroads comprising the Union Pacific System.

3. The Applicant, Pickwick Stage Lines, Incorporated, is a corporation duly organized and existing under and by virtue of the Laws of the State of Nevada. It has duly qualified itself to do business as a foreign corporation in the State of Utah. It is amply financed so as to provide the service it proposes to render by its application herein. It is now, and for a long time past has been conducting by itself and through affiliated companies, a net work of automobile bus lines throughout the United States, extending from coast to coast. It is now operating as an inter-state common carrier, a bus line between Portland, Oregon, and Salt Lake City, Utah, operating through Utah from the Utah-Idaho State Line, over United States Highway No. 91, via Logan, Brigham City, Ogden to Salt Lake City, connecting there with a direct, through route to Denver, Colorado, and points east, and on the west and south, a route to Los Angeles, California. It is

now rendering in connection with inter-state, an intrastate automobile bus service within certain prescribed limits over United States Highway No. 91, between Salt Lake City and St. George, Utah.

4. United States Highway No. 91 is a main thoroughfare extending through the State of Utah from north to south. From the Utah-Idaho State Line southward to Salt Lake City, it passes through the cities and towns of Richmond with a population of 1,140 people, Smithfield with 2,353, Logan with 9,979, Wellsville with 1,270, Mantua with 314, Brigham City with 5,093, Perry with 341, Willard with 561, Hot Springs, a health resort, North Ogden with 1,045, Ogden with 40,272, Clearfield with 799, Layton with 597, Kaysville with 992, Lagoon, a pleasure resort, Farmington with 1,339, Centerville with 670, Bountiful with 2,571, to Salt Lake City with a population of 140,767 people.

5. That United State Highway No. 30-S is a main thoroughfare passing through the State of Utah from the Utah-Wyoming State Line to and connecting with United States Highway No. 91 at Ogden, Utah. Between said points it passes through or near the towns of Wahsatch with a population of 75, Castle Rock 40, Echo 150, Henefer 450, Devils Slide 225, Morgan 953, Peterson 300, and Uinta with a population of 280. Said United States Highway No. 30-S also intersects United States Highway No. 91 at Brigham City, and between there and the Utah-Idaho State Line it passes through, or near, the towns of Corinne with a population of 352, Honeyville 494, Tremonton 1,009, where it connects with Utah State Highway No. 41, which passes through the towns of Garland with a population of 824 people, Fielding 333, Plymouth 400, and Portage with a population of 331, all in the State of Utah, and from there onward across the Utah-Idaho State Line through Malad to Downey in the State of Idaho. In both instances said highway 30-S closely parallels the lines of the Union Pacific System.

6. The Protestant, The Utah-Idaho Central Railroad Company, is a corporation duly organized under and by virtue of the Laws of the State of Delaware. As such, it is a "railroad corporation" duly authorized and empowered to do business as a common carrier of persons and property within the State of Utah. It is now, and for many years last past it and its predecessors have been engaged in the operation of an electric line of railroad carrying passengers, baggage, freight, and express out of Ogden, through Utah, and as far north as Preston in the State of Idaho, a distance of approximately 95 miles. It also operates in Utah, a branch line of

railroad from Lewiston west two miles and south ten miles to Quinney; also a branch line of railroad from Harrisville west through Plain City to Warren, Utah. On its said main line of railroad from Ogden, Utah, to Preston, Idaho, it operates a general electric passenger and freight service. On its Quinney branch from Lewiston south to Quinney Sugar Factory, it operates a general freight service, and during nine months of each year while the schools are in session in that territory, it operates a special school train for the transporting of students. On its said Plain City branch it operates daily, electric passenger service and a general freight service for the accommodation of its patrons in that territory. In addition to its rail operations, it operates an automobile bus service out of Ogden, north through Box Elder and Sardine Canyons, over United States Highway No. 91, and over a number of county roads in Cache Valley, Utah; thus serving all the Utah towns and communities served by its rail line, whether on or off Highway No. 91. It also operates a local street car bus in the City of Logan from the business, or down town, section to Utah State Agricultural College located there. This local bus service is rendered primarily to meet the needs and convenience of the students in attendance at the Agricultural College while they are going to and from their classes.

It also owns and controls the Utah Rapid Transit Company which operates a city and interrurban service within the limits of Weber County, operating street cars within the confines of the City of Ogden, and a suburban service out of there to North Ogden, Utah. Over its North Ogden line or track it also renders a special freight service for the movement of perishable products. It also operates out of Ogden, a freight and passenger service or line through Ogden Canyon to Huntsville, Utah. This service accomodates itself to the needs and convenience of school children attending the public schools, and its freight service on this line accommodates itself to the needs of the agriculturists and live stock interests in that valley. Its electrical train and bus service connects at Ogden with similar transportation facilities afforded the public by the operations of the Bamberger Electric Railroad Company between Ogden City and Salt Lake City, Utah, where the lines of the Bamberger Electric Railroad Company connect with the main line of the Salt Lake and Utah Railroad Company, operating an electric railroad carrying passengers, freight and express out of Salt Lake City as far south as Payson, Utah.

7. The Protestant, Bamberger Electric Railroad Company, is a corporation organized and existing under and by

virtue of the Laws of the State of Utah. It is a "railroad corporation" and as such, it is now, and for more than forty years last past has been engaged in the operation of a double track electric line of railroad, transporting as a common carrier, passengers, freight, and express between Salt Lake City and Ogden, Utah. Its line closely parallels United States Highway No. 91, and passes through and serves all points on said highway between Salt Lake City and Ogden, Utah. In December, 1926, it caused to be organized, under the Laws of the State of Utah, the Bamberger Transportation Company, a protestant herein, which is a subsidiary to, and controlled by it. Said Bamberger Transportation Company is an "automobile corporation" which since its organization has been engaged in the operation of an automobile bus line carrying passengers and express within certain prescribed limitations over said United States Highway between Ogden and Salt Lake City, Utah, under certificate of public convenience and necessity No. 288, issued by the Public Utilities Commission of Utah on the 25th day of February, 1927.

8. The construction of the electric lines of railroad of the Utah-Idaho Central Railroad Company and those of the Bamberger Electric Railroad Company, and Salt Lake & Utah Railroad Company grew out of needs of the public in the respective territories they now occupy, for a local service that had theretofore not been rendered by the steam railroads. Since their construction they have been rendering a closely coordinated local service, both passenger and freight, from the Utah-Idaho State Line on the north to Payson on the south, passing through and serving the most densely populated areas of the State. Throughout their entire distance of main line track, 189.78 miles, their main line services have been augmented by the construction and operation of branch lines and supplemented by local automobile service to the communities of the territory through which they pass, wherever and whenever the public convenience and necessity required the same.

9. For the year July 1, 1929 to June 30, 1930, Protestant, The Utah-Idaho Central Railroad Company, in the territory served by it in Utah north of Ogden, operated 3347 freight trains or 9.2 trains per day. During the same period in the same territory, it operated 5560 passenger trains or 15.2 trains per day. It also operated or made in this territory during the same period of time, 2279 motor coach passenger trips or 6.2 per day average, making a total of all classes of service in that territory affected by the applications herein of 30.6 per day. As to the public need for the kind of service,

its frequency, and adequacy, both freight and passenger, rendered by the Protestant Utah-Idaho Central Railroad Company in the territory affected by the applications herein, reference is hereby made for more specific statements to said protestant's exhibits, marked for identification in the record of these cases as its "Exhibit A," "B", "C", "D", "E", "F", "G", "H", "I", "J", and "K", all of which are hereby referred to and made a part of these findings and report.

10. The Bamberger Electric Railroad Company in its coordinated rail and bus operations between Salt Lake City and Ogden affords to the public twenty passenger services in each direction each day. In addition to its regular passenger service, it provides a special train service during the school terms of each year, carrying approximately 600 students daily to and from the high schools of Davis County.

By traffic arrangements and agreements between it and the Utah-Idaho Central Railroad Company and the Salt Lake & Utah Railroad Company, round trip passenger fares may be had to and from all points served by their respective railroads, in effect affording the same privileges ordinarily granted by that of a combined railroad system. Arrangements are also made between these two carriers whereby freight and express may have through routings over their lines. Their automobile passenger service is so closely interconnected as to afford patrons a continuous, convenient, and expeditious means of travel by that method.

11. The electric lines of the Utah-Idaho Central Railroad Company, the Bamberger Electric Railroad Company, and the Salt Lake & Utah Railroad Company, respectively, as now being operated, maintain extensive warehouse facilities at close intervals for receiving, packing, and shipping products of farm and orchard. By reason of these agencies throughout the territory they serve, perishable products may be moved at practically any hour of the day and placed at the disposal of the transcontinental railroads for long distance shipments to primary markets. Likewise, inbound shipments of both perishables and general merchandise, and other products for local distribution to cities, towns, and communities served by these electric lines are received from transcontinental railroads and promptly carried and delivered to the local consignees.

12. The passenger and freight crew service of the electric lines in some instances are interchangeable, and in practice afford a more economical, prompt, and efficient transportation service, both as to persons and property, than might otherwise be rendered.

13. With regard to available passenger space afforded and offered by the equipment used in connection with the operations of the Utah-Idaho Central Railroad Company, covering a period from June 1, 1929, to May 31, 1930, for every 100 seats afforded in connection with its train service, 26 were used; in its automobile bus 29 seats were used out of 100 seats rendered available to the travelling public.

For the same period of time 6.3% of its passenger service rendered was interline travel or service to points south of Ogden, Utah, and 5.8% interline from points south of Ogden to points served by it north of Ogden, Utah.

For the same period of time by this protestant's main line operations motor bus and train, it carried 358,209 passengers. Among that number, 160,304 were school students hauled at reduced or student fares; 19,749 were commutation passengers, representing interurban citizens of the smaller communities in the territory which it serves who were travelling back and forth, morning and evening to their employment in other communities than those in which they reside; 316,184 of the total number, 358,209, hauled were accommodated by its train service, and but 42,025 by its bus lines operating over the public highways.

For the same period of time, the revenues derived from the protestant's passenger train operations amounted to \$101,342.74, and the operating expense, properly segregated, but not including nor allowing for general supervision of property, fixed charges, nor for taxes, amounted to \$99,233.51.

For the motor bus service or operation for the same period, its gross earnings were \$31,555.13, and its actual net operating expenses were \$30,466.92.

14. That for a three year period, 1927, 1928, and 1929, after paying operating expenses, taxes, rents, interest on funded and unfunded debts, and miscellaneous expenses, the Utah-Idaho Central Railroad Company had an average yearly net income of but \$11,380.31.

15. Covering a period, January 1st to June 30th, 1930, the available passenger space or seats afforded and offered by the equipment used in the operations of the Bamberger Electric Railroad Company was occupied by the public to the extent of 74%, making no allowance, however, for passengers not remaining the entire distance the cars travelled. On the bus operated by the Bamberger Transportation Company over United States Highway No. 91, during the same period of time, only 38.6% of the seats were occupied.

In the year 1927 the two companies, Bamberger Electric Railroad Company and the Bamberger Transportation Company, in their combined operations carried, including all types of service, regular fare, excursion, interline, student and commutation, 786,721 passengers; in 1928, 707,855; in 1929, 653,149; and from January 1st to June 30th, 1930, they carried 294,386 passengers.

For the same years or period of time the entire operating income or revenue received by these companies from all sources, passenger, baggage, United States mail, express, freight, switching and miscellaneous revenue, was for the year 1927, \$569,148.99; for 1928, \$572,762.99; for 1929, \$578,273.68; and January 1st to June 30th, 1930, \$259,537.26.

For the same period the total operating expenses were in 1927, \$457,627.18; in 1928, \$454,277.29; in 1929, \$468,346.52; and for January 1st to June 30th, 1930, \$227,642.30, not including nor allowing, however, for interest on funded nor unfunded debts, nor for taxes paid for the period amounting to the total sum of \$135,039.00. Allowing for the proper charges against income, these companies sustained during the period, a total deficit or loss amounting to \$72,740.87.

16. Since the advent of the automobile, and more especially in recent years, the general traffic conditions of the electric lines of the Utah-Idaho Central Railroad Company and those of the Bamberger Electric Railroad Company and the Salt Lake & Utah Railroad Company have been seriously interfered with and their operating revenues in consequence have declined to an extent that renders their future maintenance somewhat precarious. The Utah-Idaho Central Railroad Company affairs have but recently emerged from a receivership. The Salt Lake & Utah Railroad Company is now in the hands of receivers.

17. The Utah-Idaho Central Railroad Company pays general taxes in the State of Utah amounting annually to approximately the sum of \$52,000.00; the Bamberger Electric Railroad Company approximately \$38,000.00; and the Union Pacific System \$1,183,346.00 per year.

18. The Union Pacific System employs within the State of Utah 5,134 people with an annual payroll aggregating \$9,227,173.00. It purchases supplies for local use in its various enterprises carried on in the State to the amount of \$5,000,000.00 a year. Its holdings in the State of Utah represent an assessed valuation of \$43,855,267.00. It expends annually \$100,000.00 for the advertising of the State's scenic attractions and is actively engaged in their development.

The foregoing findings, we believe, contain the salient facts upon which the Commission is called upon to decide what privileges, if any, should be granted the applicants or to either of them in these cases. However, in the discussion that follows, we shall have occasion to, and will, make further reference to facts appearing in the record. It is apparent from the facts disclosed in the record of these cases that the granting or denying of the privileges sought for by the applicants will have an important bearing upon the future welfare of the cities, towns, and communities of Utah, north of Salt Lake City, and more especially north of Ogden, Utah. It is now generally recognized that the automobile truck and passenger car afford an efficient and dependable type of transportation service over the highways, if not a superior one to that which may possibly be rendered by railroads, whether they be steam or electrically operated. However, experience has taught that the above statement needs some qualifications. The automobile truck and passenger car is peculiarly adapted to light local traffic, while the railroad for heavy commodities and long distance hauls must continue to be the backbone of the nation's transportation system. The electric railway, it would seem, in its service to the public occupies the medium between transportation for short distances and the lighter service rendered by motor cars over the highways, and the long distance hauls and the heavier traffic handled by the steam lines, but none the less, they remain a most important factor in contributing to the needs and convenience of the public for prompt, efficient, and dependable local transportation service.

In the territory now under consideration, north of Salt Lake City to the Utah-Idaho State Line, the services of the electric railroads of the Bamberger Electric Railroad Company and the Utah-Idaho Central Railroad Company have been, and in the future, if able to continue their operations, will be a prime factor in the upbuilding of the territories in which they render local service. That is conceded in this record. As pointed out in our findings, these electric railroads were first constructed, and have since been operated for the purpose of providing a local service in this state to its cities, towns, and communities theretofore nor since attempted by the steam railroads. Experience has demonstrated beyond any question that the steam lines have been in the past, and are now mainly featuring transcontinental or long haul service, while the electric lines have given their time and attention exclusively to local service and the material advancement of the immediate territory they occupy. Again, as

pointed out in the findings, by doing that, the electric lines have contributed much that has and will continue to redound to the good and benefit of the steam lines.

We think the same results may be reasonably anticipated with respect to the operation of motor vehicles for hire over our highways; that primarily transcontinental or long distance operations will be mainly featured by those engaged in that service, while local operations will contribute more and better service by giving special attention to the immediate needs of the local communities they serve. In saying that, we do not want to be understood as deprecating the fine transcontinental service now being rendered in part through the State of Utah by the respective applicants herein for certificates granting them the right to render local service, nor as ignoring the fact that they too in their operations have been and are contributing much to the public welfare of the people of Utah.

It has been shown at the hearings of these cases, that both the Bamberger Electric Railroad Company and the Utah-Idaho Central Railroad Company supplemented their passenger rail services over their respective lines of railroad paralleling United States Highway No. 91, from Salt Lake City to the Utah-Idaho State Line with automobile services long before any of the applications now being considered were filed with this Commission. While it is true that many witnesses who have testified for the applicants make the claim that the present bus services of the protestants are not what they should be, nor of the same high standard as are being rendered by the applicants interstate and proffered intrastate by their respective applications herein, the fact remains that no complaints whatsoever have heretofore been made to this Commission on the part of any individual nor the travelling public, that the services of the protestants were not such as might be reasonably required of them.

The public is entitled to good service, there can be no question about that. However, these complaining witnesses, if not satisfied with the practices of the protestants, the type of equipment used, or the facilities afforded them, might well have invoked the provisions of Section 4803, Compiled Laws of Utah, 1917, which provides:

“Whenever the Commission shall find, after hearing, that the * * * practices, equipment, appliances, facilities, or service of any public utility, * * * are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the Commission shall determine the just,

reasonable, safe, proper, adequate, * * * practices, equipment, appliances, facilities, service, or methods to be observed, furnished, constructed, enforced or employed, and fix the same by its order, rule, or regulation."

Then again, it has been urged by the applicants and the witnesses in their behalf that because of the fact that the buses used by applicants in their interstate operations will pass over Utah highways anyway, the travelling public should not be denied the right to ride them locally.

Ordinarily there would be much force to these contentions, but when viewed in the light of the facts and circumstances disclosed by this record, showing that if the public be permitted to ride the interstate buses of the applicants, it will likely mean serious impairment, if not the abandonment of both the rail and bus services now being rendered locally in the State by the protestants, such contentions are to be regarded as unworthy of much consideration. Moreover, the record here shows that heretofore the practices of the applicants while engaged in their interstate operations over United States Highway No. 91 have been far from being commendable. It has been quite conclusively shown that they have disregarded the spirit and purpose of our public utility laws by permitting their agents to persistently sell interstate passenger transportation over United States Highway No. 91, when they well knew that such was to be used for local or intrastate transportation only. For a long time the applicants have been selling tickets for bus transportation to and from Franklin, Idaho, a point just across the Utah-Idaho State Line, to be and which were used by their patrons for local travel in Utah over United States Highway No. 91. Such practices on the part of interstate carriers may not be easily controlled, but when engaged in knowingly have been universally condemned by regulatory bodies, more especially when as here, indulged in at lower rates than charged by intrastate carriers for the same local service. Of course, in every kind of a case the public interest must always be regarded as paramount. That being true, there may be times even though the applicant may have in some measure transgressed the public utility laws, certificates of public convenience and necessity will be granted, but not unless the public interest will be subserved by doing so.

For the very good reason that certificates of public convenience and necessity are to be granted only in the interest of the public, we have in these cases been most painstaking in allowing all testimony to be introduced that might have

some bearing on that question. Over the objection of the protestants, we permitted the applicant, Union Pacific Stages, Incorporated, as a part of the Union Pacific System, to introduce evidence as to the amount of capital invested, the number of persons employed, the size of the payrolls, and the taxes paid in this state under this System, all of which, while not controlling, we believe, are factors that should be given some consideration in trying to determine whether or not the granting or denial of a certificate of public convenience will be for the best interests of the public, and therefore the objection of the protestants is overruled.

It has been shown in these proceedings that automobile passenger and express service over United States Highway 30-S from Brigham City to Tremonton; thence over State Highway No. 41 to the Utah-Idaho State Line would be for the best interests of the people residing in the Malad and Bear River Valleys in Utah, and that such a service, if rendered, would not materially interfere with nor affect the present local service being rendered by either of the protestants. Such a route, once established, would parallel the Malad Branch of the Oregon Short Line Railroad Company and would be in furtherance of the plan of the Union Pacific System to coordinate rail with bus service over its entire system. Similar conditions prevail and the same may be said with respect to the application of the Interstate Transit Lines for a Certificate authorizing it to render automobile passenger and express service over United States Highway No. 30-S between Ogden and the Utah Wyoming State Line.

From the foregoing findings of fact and for the reasons stated, the Commission concludes and decides.

That the respective applications of the Union Pacific Stages, Incorporated, and the Pickwick Stage Lines, Incorporated, for certificates of public convenience and necessity, authorizing and permitting them to operate an automobile passenger bus, baggage, and express route or line for intrastate or local service over and upon United States Highway No. 91, between Ogden, Utah, and the Utah-Idaho State Line, serving all intermediate points, and from all points within that zone to all points south of Ogden to Salt Lake City, Utah, over United States Highway No. 91, and east of Ogden, upon and over United States Highway No. 30-S to the Utah-Wyoming State Line should be denied.

That the application of the Union Pacific Stages, Incorporated, to render local or intrastate passenger bus, baggage,

and express service between Brigham City, Utah, to the Utah-Idaho State Line over and upon United States Highway No. 30-S, from Brigham City to Tremonton; thence over State Highway No. 41 to the Utah-Idaho State Line should be granted.

That the application of the Interstate Transit Lines, Incorporated, to operate an intrastate passenger bus, baggage, and express automobile line or route between Salt Lake City, Utah, and the Utah-Wyoming State Line over United States Highway No. 91 from Salt Lake City to Ogden, Utah; thence over United States Highway No. 30-S to the Utah-Wyoming State Line, including all intermediate points, should be granted, provided, however, that passengers, baggage, nor express be carried locally by said applicant over said United States Highway No. 91, between Salt Lake City and Ogden, Utah.

An appropriate order will follow.

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

(Seal)

Commissioners.

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificates of Convenience and Necessity

Nos. 382 and 383

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 8th day of May, 1931.

In the Matter of the Application of INTER-
STATE TRANSIT LINES, a Corpora-
tion, to operate a passenger bus, baggage,
and express automobile line between Salt
Lake City, Utah, over United States
Highways Nos. 91 and 30-S, and the
Utah-Wyoming State Line.

} Case No. 1128

In the Matter of the Application of the UNION PACIFIC STAGES, INCORPORATED, a Corporation, to operate a passenger bus, baggage, and express automobile line between Ogden, Utah, and the Utah-Idaho State Line, along United States Highway No. 91 and all intermediate points, and from points within that zone to all points south of Ogden on United States Highway No. 91 to Salt Lake City, and to all points east of Ogden on United States Highway No. 30-S, and from Brigham City, Utah, to the Utah-Idaho State Line and all intermediate points along United States Highway No. 30-S and State Highway No. 41, and from points within that zone to all points on United States Highway No. 91 between Salt Lake City, Utah, and the Utah-Idaho State Line and on United States Highway No. 30-S to the Utah-Wyoming State Line.

Case No. 1173

In the Matter of the Application of PICKWICK STAGE LINES, INCORPORATED, a Corporation, for a certificate of public convenience and necessity, authorizing the operation of a motor stage passenger, baggage, and express line between Ogden, Utah, and the Utah-Idaho State Line along and over United States Highway No. 91 and all intermediate points and from points within that zone to all points south of Ogden on United States Highway No. 91 to Salt Lake City, Utah, and from Salt Lake City, Utah, and intermediate points south of Ogden, Utah, on said Highway No. 91 to points north of Ogden on said Highway No. 91, and from Ogden, Utah, to all points east on United States Highway No. 30-S to the Utah-Wyoming State Line.

Case No. 1179

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 in-

volved 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 Union Pacific Stages, Incorporated, and the Pickwick Stage Lines, Incorporated, for certificates of public convenience and necessity, authorizing and permitting them to operate an automobile passenger bus, baggage, and express route or line for intrastate or local service over and upon United States Highway No. 91, between Ogden, Utah, and the Utah-Idaho State Line, serving all intermediate points, and from all points within that zone to all points south of Ogden to Salt Lake City, Utah, over United States Highway No. 91, and east of Ogden, upon and over United States Highway No. 30-S to the Utah-Wyoming State Line be, and it is hereby, denied.

ORDERED FURTHER, That the application herein of the Interstate Transit Lines, Incorporated, for permission to operate intrastate passenger bus, baggage, and express automobile line or route between Salt Lake City, Utah, and the Utah-Wyoming State Line over United States Highway No. 91 from Salt Lake City to Ogden, Utah; thence over United States Highway No. 30-S to the Utah-Wyoming State Line, including all intermediate points, be and it is hereby, granted, and that Certificate of Convenience and Necessity No. 382 be, and it is hereby, issued authorizing such service; provided, however, that passengers, baggage, nor express be carried locally by said applicant over said United State Highway No. 91, between Salt Lake City and Ogden, Utah.

ORDERED FURTHER, That the application of the Union Pacific Stages, Incorporated, for permisison to operate local or intrastate passenger bus, baggage, and express service between Brigham City, Utah, to the Utah-Idaho State Line over and upon United States Highway No. 30-S, from Brigham City to Tremonton; thence over State Highway No. 41 to the Utah-Idaho State Line be, and it is hereby, granted, and that Certificate of Convenience and Necessity No. 383, be and it is hereby, issued authorizing such service.

ORDERED FURTHER, That applicants, Interstate Transit Lines, Incorporated, and the Union Pacific Stages, Incorporated, 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 leav-

ing time from each station on their lines; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Signed) F. L. OSTLER

(Seal)

Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

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 Coun- ty, Utah.	}	Case No. 1141
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In the Matter of the Application of the RIO GRANDE MOTOR WAY, INC., for permission to operate motor freight truck service for the transportation of freight and express between Salt Lake City and Price, Utah.	}	Case No. 1194
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Submitted: July 31, 1931. Decided: September 24, 1931.

Appearances:

L. L. Robinson, Attorney, of Salt Lake City, Utah,	}	for Applicant Vedo Dell.
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B. R. Howell, Attorney, representing the firm of Van Cott, Riter & Farns- worth of Salt Lake City, Utah,	}	for Applicant Rio Grande Motor Way, Inc.
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F. M. Orem, Attorney, of Salt Lake City, Utah,	}	for Salt Lake & Utah Railroad Company.
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REPORT OF THE COMMISSION

Hearings upon the matter and things involved in these cases were commenced and had before the Commission at Price, Utah, February 24th and 25th, 1931, and at Salt Lake City, Utah, March 18th, 1931. By reason of the fact that the two applications involved the same territory and the right to establish automobile truck routes over and on the same high-

way, they were combined for hearing and determination by the Commission.

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

That the applicant Vedo Dell (Case No. 1141) is a resident of Salt Lake City, Utah. In his application permission is sought to operate a motor freight service between the City of Salt Lake and the town of Thistle, and the following named points beyond Thistle: Soldier Summit in Utah County, Colton, Rolapp, Spring Canyon, Hiawatha, Moreland, Columbia, Sunnyside, and Wellington in the County of Carbon, State of Utah, leaving Salt Lake City Mondays and Thursdays at about 2:00 A. M., and returning on Tuesdays and Fridays of each week. At the hearing this applicant was allowed to amend his application so as to ask for permission to operate a daily service. Also, on January 15, 1931, Mr. Dell filed an application to transfer and assign the petition originally filed herein to a corporation to be formed by the persons mentioned in the application to carry on the business in accordance with his said petition, Mr. Dell to have not in excess of one-third of the capital stock of such corporation issued to him. This applicant is now, and for more than a year last past has been, engaged in a general trucking business between Salt Lake City and the towns and cities mentioned in his application.

That the applicant Rio Grande Motor Way, Inc., (Case No. 1194) is a corporation organized and existing under and by virtue of the Laws 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."

This applicant desires to operate a daily, except Sunday, truck service between Salt Lake City and Price, Utah, serving all intermediate points along the highway between the termini mentioned, except that it does not wish to operate locally in the territory between Salt Lake City and Springville, Utah. It does, however, desire to pick-up in the territory between Salt Lake City and Springville, including those points, freight and express destined to points southeasterly of Springville, and to discharge in the territory between Springville and Salt Lake City, including those points, freight and express originating at points along its route located southeasterly from Springville.

The route proposed is over United States Highway No.

91, between Salt Lake City and Springville, a distance of 50 miles; thence to Thistle via State Highway No. 8 and United States Highway No. 50-89, a distance of 18 miles; thence to Price via United States Highway No. 50, a distance of 58 miles—a total of about 125 miles. The applicant does not propose to serve Spanish Fork, but to take the cut-off between State Highway No. 8 and United States Highway No. 50-89. The route proposed and the towns to be served are practically the same in both applications.

That practically every witness produced by both applicants testified very positively to the necessity and convenience of a freight truck operation between Salt Lake City and Carbon County points. It appears in the record from the testimony of numerous witnesses that a large amount of motor freight traffic is now coming into Carbon County. J. R. Loftis, Train Master for the railroad company at Helper, who had investigated the amount of freight traffic coming into Helper by truck, testified as follows:

“Last season, in the check I made, there was an average of six trucks per day delivering merchandise in Helper. The capacity of the trucks varies from one-half ton to a truck that I think will carry four to five tons.”—T. 152.

That there is a well defined demand for motor truck service in this territory; the trucks afford a more frequent service than the railroad, and pick-up and deliver merchandise from store-door to store-door. There are, however, no trucks holding certificates from this Commission operating between Salt Lake City and Carbon County points, and there is no doubt that the serious decrease in the volume of less-than-carload freight handled between Salt Lake City and Price is due to the competition of these trucks. The purpose of the Rio Grande Motor Way's application is to supplement its rail service into this territory by motor service, with the hope and expectation that the less-than-carload freight lost by the rails to these trucks may be regained by said motor way.

The truck service here proposed between Salt Lake City and Price practically parallels the rail line of The Denver & Rio Grande Western Railroad Company. The applicant, the Rio Grande Motor Way, Inc., the subsidiary of said railroad company, now offers to meet the popular demand for automobile truck service.

The duty of the Commission is to obtain the best transportation service for the public with due and proper regard

to existing facilities, and this territory, especially because of its large coal production, is dependent upon the railroad. Of the 4,225,000 tons of coal hauled out of Carbon County in 1930 The Denver & Rio Grande Western Railroad Company hauled approximately 2,540,000 tons, including about 275,000 tons of coal bought by the railroad company for its own use.—T 142. The railroad company has over 500 employes in Carbon County, and its payroll in that county for 1929 and 1930 was in excess of \$700,000 for each year.

The public is a party to all proceedings before this Commission and its interests are paramount to those of applicants. The preponderance of testimony given at these hearings was favorable to the granting of a certificate of convenience and necessity to the subsidiary of the now existing carrier, The Denver & Rio Grande Western Railroad Company.

From the foregoing findings of fact, the Commission concludes and decides, therefore, that the application of Vedo Dell (Case No. 1141) should be denied, and that the application of the Rio Grande Motor Way, Inc., for permission to operate motor freight truck service between Salt Lake City and Price, Utah, should be granted.

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. 384

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 24th day of September, 1931.

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

In the Matter of the Application of the RIO GRANDE MOTOR WAY, INC., for permission to operate motor freight truck service for the transportation of freight and express between Salt Lake City and Price, Utah. } Case No. 1194

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

IT IS ORDERED, That the application of Vedo Dell (Case No. 1141) for permission to operate an automobile freight line between Salt Lake City, Thistle, and points in Carbon County, Utah, be, and it is hereby, denied.

ORDERED FURTHER, That the application of the Rio Grande Motor Way, Inc. (Case No. 1194) for permission to operate motor freight truck service for the transportation of freight and express between Salt Lake and Price, Utah, serving all intermediate points along the highway between the termini listed in the Report, except locally in the territory between Salt Lake City and Springville, Utah, and to pick-up in the territory between Salt Lake City and Springville, including those points, freight and express destined to points southeasterly of Springville, and to discharge in the territory between Springville and Salt Lake City, including those points, freight and express originating at points along its route located southeasterly from Springville be, and it is hereby, granted.

ORDERED FURTHER, That applicant Rio Grande Motor Way, 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 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 bus lines.

By the Commission.

(Signed) F. L. OSTLER
Secretary

(Seal)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the
UTAH CENTRAL TRUCK LINE,
UTAH CENTRAL TRANSFER COM-
PANY, and SALT LAKE BINGHAM
FREIGHT LINE, for permission to con-
solidate their operative rights under one
certificate of convenience and necessity,
in the name of the UTAH CENTRAL
TRUCK LINE. } Case No. 1154

ORDER

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

IT IS HEREBY ORDERED, That the application here-
in, of the Utah Central Truck Line, Utah Central Transfer
Company, and Salt Lake Bingham Freight Line, for permis-
sion to consolidate their operative rights under one certificate
of convenience and necessity, in the name of the Utah Central
Truck Line, be and the same in hereby, dismissed without
prejudice.

Dated at Salt Lake City, Utah, this 26th day of March,
1931.

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

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

ORDER OF THE COMMISSION

By the Commission:

Under date of November 3, 1930, the Public Utilities Commission of Utah issued its Report and Order granting the application of George W. Hail and Jos. S. Snow, for permission to carry on a passenger and express service between Santa Clara and Zion National Park, Washington County, Utah.

IT APPEARS That applicants have not yet been able to secure and file insurance policies as required by Section 4818 X.

IT IS THEREFORE ORDERED, That Automobile Permit No. 7, issued to George W. Hail and Jos. S. Snow, be and it is hereby, suspended until the provisions of Section 4818 X are complied with.

Dated at Salt Lake City, Utah, this 27th day of March, 1931.

(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 RIO
GRANDE MOTOR WAY OF UTAH,
INC., for permission to operate an auto-
mobile passenger bus and truck service
between Marysvale and Kanab, Utah, and
all intermediate points. } Case No. 1156

ORDER

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

IT IS HEREBY ORDERED, That the application herein of the Rio Grande Motor Way of Utah, Inc., for permission to operate an automobile passenger bus and truck service between Marysvale and Kanab, Utah, and all inter-

mediate points, be and the same is hereby, dismissed without prejudice.

By the Commission.

Dated at Salt Lake City, Utah, this 8th day of May, 1931.

(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 FREE-
BORN D. GIFFORD, for a permit to
transport freight from the nearest rail-
road point of delivery to the Towns of
Virgin, Rockville, and Springdale, Utah. } Case No. 1167

Submitted: January 6, 1931. Decided: January 16, 1931.

REPORT AND ORDER OF THE COMMISSION
By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission at Cedar City, Utah, on the 6th day of January, 1931, at 10:00 A. M., pursuant to notice theretofore given by the Commission. At said time and place, the case was called for hearing pursuant to said notice, but no appearance was made by, or in behalf of the applicant. Interested parties appeared for the purpose of contesting the application as made.

NOW, THEREFORE, IT IS HEREBY ORDERED, by reason of the premises, that said application of Freeborn D. Gifford, be and it is hereby dismissed, for want of prosecution.

(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 ALMA WARREN and CYRIL WOOLSTENHULME, for permission to operate an automobile passenger stage line between Salt Lake City and Vernal, Utah. } Case No. 1175

ORDER

By the Commission:

In the above entitled matter, it being represented to the Commission by the attorney for the applicants, that the applicants, Alma Warren and Cyril Woolstenhulme, do not desire a certificate of convenience and necessity authorizing and permitting them to operate an automobile passenger bus route as applied for herein.

NOW THEREFORE, IT IS HEREBY ORDERED, That the said application of Alma Warren and Cyril Woolstenhulme, for permission to operate an automobile passenger stage line between Salt Lake City and Vernal, Utah, be and the same is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 3rd day of August, 1931.

(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 STATE ROAD COMMISSION OF UTAH, for permission to relocate and reconstruct an overhead crossing of the main line tracks of the Bamberger Electric Railroad Company on U. S. Highway No. 91, in Weber County, Utah. } Case No. 1177

Submitted: December 15, 1931. Decided: December 21, 1931

Appearances:

Byron D. Anderson, At- } for Applicant, State Road
torney, } Commission.

A. B. Irvine, Attorney,	}	for Bamberger Electric RR. Co.
Samuel E. Blackham, Ogden, Utah,	}	for Weber County.
W. A. Cooper, Roy, Utah,	}	Protestant.
Joseph Jensen, R. F. D. No. 4, Ogden,	}	Protestant.

REPORT AND ORDER OF THE COMMISSION

By the Commission :

This matter came on regularly for hearing upon the application of the State Road Commission of Utah, for permission to relocate and reconstruct an overhead crossing over the main line tracks of the Bamberger Electric Railroad Company on U. S. Highway No. 91, in Weber County, Utah, on July 15, 1930, and for further hearing on November 23, 1931, after due notice given. Protests were made at the first hearing by citizens residing near crossing proposed to be relocated, represented by W. A. Cooper of Roy, Utah, and Joseph Jensen of Ogden, Utah. From the evidence adduced at the hearing for and in behalf of the interested parties, the Commission finds:

That the State Road Commission proposes the relocation and reconstruction of a portion of Highway U. S. No. 91 in Weber County, Utah, known locally as "Death Curve;" that the said relocation requires the abandonment of an existing used viaduct over the tracks of the Bamberger Electric Railroad, and the construction in lieu thereof of a new viaduct approximately 200 feet southerly from the existing viaduct.

That the State Road Commission of Utah and the County Commissioners of Weber County, Utah, have entered into a contract, a copy of which is attached hereto, and made a part hereof, with the Bamberger Electric Railroad Company, by which said Railroad Company grants to the State and County easements for said highway upon the portions of the Railroad Company's right of way necessary for the construction of the highway. The contract further provides that the entire viaduct shall be constructed and maintained by the State and that upon completion and opening to traffic, the superstructure of the existing viaduct shall be removed by the State.

The Commission further finds that the cost of the new structure will be about \$32,000.00, and that the cost of the old structure was about \$16,000.00. The old structure having been constructed entirely at the expense of the railroad, and the construction of the new viaduct being of little benefit to

said railroad company, the Commission believes that the entire cost of the new structure (right of way excepted) should be borne by the State.

The Commission further finds that upon the completion of the new viaduct, the existing overhead crossing shall be abandoned and closed as a public highway.

IT IS THEREFORE ORDERED, That the application herein, of the State Road Commission of Utah, for permission to relocate and reconstruct an overhead crossing over the main line tracks of the Bamberger Electric Railroad Company be, and the same is hereby, granted, the State Road Commission to bear the full cost of such construction (right of way excepted).

ORDERED FURTHER, That upon completion of the new viaduct, the existing overhead crossing shall be abandoned and closed as a public highway.

(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, INCOPO-
LATED, A Corporation, for a certificate
of public convenience and necessity,
authorizing the operation of a motor
stage passenger, baggage, and express
line between Ogden, Utah, and the Utah-
Idaho State Line, along and over United
States Highway No. 91 and all intermedi-
ate points, and from points within that
zone to all points south of Ogden on
United States Highway No. 91 to Salt
Lake City, Utah, and from Salt Lake
City, Utah, and intermediate points south
of Ogden, Utah, on said Highway No. 91
to points north of Ogden on said High-
way No. 91, and from Ogden, Utah, to all
points east on United States Highway
No. 30-S to the Utah-Wyoming State
Line.

Case No. 1179

ORDER

Upon due application made, and for good causes shown, IT IS HEREBY ORDERED, That Pickwick Stage Lines, Incorporated, have to and until the 20th day of June, 1931, to prepare, serve, and file an application for rehearing in the above entitled matter.

By order of the Commission.

Dated at Salt Lake City, Utah, this 28th day of May, 1931.

(Signed) F. L. OSTLER

(Seal)

Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

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

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

In the Matter of the Application of the RIO GRANDE MOTOR WAY OF UTAH, INC., for permission to operate an automobile passenger, baggage, express, and package freight line between Salt Lake City and Price, Utah. } Case No. 1187

In the Matter of the Application of R. C. CLARK, R. I. BRAFFET, H. V. LEONARD, and G. R. LEONARD, for permission to operate an automobile passenger stage line between Salt Lake City and Price, Utah. } Case No. 1190

Submitted: April 8, 1931. Decided: April 16, 1931

Appearances:

B. W. Dalton, Attorney, } for Applicants, Nick Galanis
Price, Utah, } and Nick Karras.

E. R. Howell Attorney, }
Salt Lake City, and L. A. } for Applicant, Rio Grande
McGee, Attorney, Price, } Motor Way of Utah, Inc.
Utah.

Knox Patterson, Attor- } for Applicants, R. C. Clark, R.
ney, Moab, Utah. } I. Braffet, & H. V. & G. R.
Leonard.

G. B. Bateman, Salt Lake } for Protestant, Railway Ex-
City, Utah, } press Agency.

F. M. Orem, Attorney, } for Protestant, Salt Lake &
Salt Lake City, Utah, } Utah Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

The above cases came on regularly for hearing at Price, Utah, on the 16th day of September, 1930.

All of the applications are for permission to operate an automobile stage line for the transportation of passengers, baggage, express, and package freight, between Price, Utah, and Salt Lake City, Utah, a distance of 122 miles. Inasmuch as these applications involve the same highway and the same service, the Commission combined the four cases as one, for the purpose of hearing and determination, each applicant being considered in opposition to the others. It was stipulated at the hearing that none of the applicants were seeking to render local service between Price and Castle Gate, Utah, nor between Payson and Salt Lake City, Utah.

At the hearing, Wade and Engle, Case No. 1180, withdrew their application in favor of R. C. Clark and associates, Case No. 1190.

Subsequent to the hearing, the Rio Grande Motor Way of Utah, Inc., a subsidiary of The Denver & Rio Grande Western Railroad Company, asked that its application be dismissed without prejudice, said petition being hereby granted.

From the record made in these cases, the Commission concludes and finds as follows:

That Karras and Calanis have for more than six years past, operated an auto stage line between Price, Sunnyside, and Columbia, Utah, a distance of thirty five miles, and

between Price and Hiawatha, a distance of eighteen miles. Both of these operations have and are being conducted under certificates of convenience and necessity issued by the Commission to the Arrow Auto Line, a Corporation, the capital stock being owned by Karras and Calanis.

That R. C. Clark, one of the associate applicants in Case No. 1190, has for more than twelve years been manager and a stock holder of the Moab Garage Company, a Utah Corporation since April 8, 1918, and for sometime prior to that date, a partnership.

That said Moab Garage Company has during said period been an automobile company for hire, engaged in the transportation of passengers, freight, baggage, and express between Monticello, San Juan County, and Thompson, Grand County, a distance of ninety three miles; that this Commission did, on March 23, 1931, grant to the Moab Garage Company a certificate of convenience and necessity authorizing the operation of an automobile stage line between Moab, Grand County, and Price, Carbon County, a distance of 120 miles.

That in the event the application of R. C. Clark and associates, as herein prayed for in Case No. 1190, should be granted, said R. C. Clark and associates propose to form an automobile corporation to conduct the operation of the stage line between Price and Salt Lake City, and that the Moab Garage Company will subscribe to fifty per cent or more of the capital stock of said proposed corporation.

That The Denver & Rio Grande Western Railroad Company is a "railroad corporation," and as such, operates a steam railroad between Denver, Colorado, and Salt Lake City and Ogden, Utah, said railroad being parallel to the highway between Salt Lake City and Price, over which applicants propose to operate, if granted a certificate of convenience and necessity.

That public convenience and necessity require that a route for the transportation of passengers, baggage, express, and package freight by automobile be established between Salt Lake City and Price, Utah. It was said in Case No. 1183, "That by reason of its connections with other railroads at Denver, Pueblo, and Salt Lake City, said The Denver & Rio Grande Western Railroad is unable to arrange its schedules to conform to the convenience and necessity of the inhabitants of Grand and San Juan Counties, Utah." We find the above statement to be true also in this case as to Carbon and Emery Counties.

The weight of the evidence as to transportation knowledge and experience is in favor of R. C. Clark and the Moab Garage Company. As an example, the following statistics are taken from sworn statements submitted to the Commission as of January 1, 1930:

Moab Garage Company:

Assets	\$141,635.26
Surplus	45,607.04

Arrow Auto Line:

Assets	\$ 6,481.62
Deficit	1,264.96

The Commission finds that public convenience and necessity require that a certificate providing for the establishment of a route between Price and Salt Lake City, Utah, should be issued, contingent, however, upon the formation of a corporation by R. C. Clark and associates, a majority of the common stock in said corporation to be owned by the Moab Garage Company. If and when such a corporation is created, a certificate of convenience and necessity as outlined above will be issued to it, upon a showing to the Commission that the above terms have been complied with and a further showing that it is financially able and equipped to render such service as will meet the needs of the public on the proposed route.

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. 380

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 16th day of April, A. D., 1931.

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

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

In the Matter of the Application of the RIO GRANDE MOTOR WAY OF UTAH, INC., for permission to operate an automobile passenger, baggage, express, and package freight line between Salt Lake City and Price, Utah. } Case No. 1187

In the Matter of the Application of R. C. CLARK, R. I. BRAFFET, H. V. LEONARD and G. R. LEONARD, for permission to operate an automobile passenger stage line between Salt Lake City and Price, Utah. } Case No. 1190

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 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 herein, of J. H. Wade and W. A. Engle, for permission to operate an automobile stage line between Salt Lake City and Price, Utah, upon motion of the applicants, be and it is hereby, dismissed without prejudice.

ORDERED FURTHER, That the application herein, of Nick Galanis and Nick Karras, for permission to operate an automobile passenger stage line between Salt Lake City and Price, Utah, be and it is hereby, denied.

ORDERED FURTHER, That the application herein, of the Rio Grande Motor Way of Utah, Inc., for permission to operate an automobile passenger, baggage, express, and package freight line between Salt Lake City, Utah, and Price,

Utah, upon motion of the applicant, be, and it is hereby, dismissed without prejudice.

ORDERED FURTHER, That the application herein, of R. C. Clark, R. I. Braffet, H. V. Leonard, and G. R. Leonard, in a representative capacity for a corporation to be formed, for permission to operate an automobile passenger, baggage, express, and package freight service over the public highways between Salt Lake City and Price, Utah, viz., U. S. Highway No. 91 from Salt Lake City to Springville, Utah, thence either via U. S. Highway No. 91 to Spanish Fork, and U. S. Highway No. 50 from Spanish Fork to Price, or via Utah State Highway No. 8, from Springville to Moark, and U. S. Highway No. 50 from Moark to Price, Utah, be and it is hereby granted, and that Certificate of Convenience and Necessity No. 380 authorizing such service be issued, contingent upon the formation of a corporation under the laws of the State of Utah, a majority of the common stock of said corporation to be subscribed for and taken by the Moab Garage Company, a Corporation, with its principal place of business at Moab, Utah, and upon a showing made to the Commission that said corporation to be organized, is able financially and otherwise to provide the said service.

ORDERED FURTHER, That said corporation to be formed, shall not be permitted hereunder to render local service over U. S. Highway No. 91 between Salt Lake City and Springville or Spanish Fork, nor over U. S. Highway No. 50 between Price and Rolapp, Utah.

ORDERED FURTHER, That the said corporation shall not be permitted hereby to carry baggage, freight, or express between Salt Lake City and Price, Utah, to any greater extent than such baggage, freight, or express can conveniently and with safety to passengers, be carried on automobiles constructed and used for the transportation of passengers.

ORDERED FURTHER, That the said corporation to be formed, 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 bus lines.

By the Commission.

(Signed) F. L. OSTLER
Secretary

(Seal)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the
MOAB GARAGE COMPANY, for a
permit to operate an automobile pas-
senger, baggage, express, and freight ser-
vice between Moab and Thompson, Utah,
via Green River to Price, also via Cisco
to the Colorado Utah State Line. } Case No. 1183

Submitted: September 18, 1930. Decided: March 23, 1931

Appearances:

Mr. C. A. Robertson, At- } for Applicant, Moab Garage
torney, Moab, Utah, } Company.
B. R. Howell, Attorney, } for Denver & Rio Grande
Salt Lake City, Utah, } Western Railroad Co.
G. B. Bateman, Salt Lake } for Protestant, Railway Ex-
City, Utah, } press Agency.

REPORT OF THE COMMISSION

By the Commission:

The above entitled matter came on for hearing before the Public Utilities Commission of Utah, on September 18, 1931, after due notice given.

The applicant originally sought a permit in accordance with Chapter 42, Laws of Utah, 1927, and amendments thereto. At the hearing application was amended and a certificate of convenience and necessity under Section 4818 of the Public Utilities Act prayed for instead of a permit.

Protests were filed by the Railway Express Agency, and by certain citizens of San Juan County. From the record in this case, the Commission finds as follows:

That applicant, Moab Garage Company, is a corporation doing business as a common carrier over the public highway between Monticello, San Juan County, Utah, and Thompson, Grand County, Utah, and is financially able to render the service now applied for.

That The Denver & Rio Grande Western Railroad is a railroad corporation, and as such, operates a steam railroad between Denver, Colorado, and Salt Lake City, Utah, and elsewhere. That by reason of its connections with other railroads at Denver, Pueblo, and Salt Lake City, said The Denver & Rio Grande Western Railroad is unable to arrange

its schedules to conform to the convenience and necessity of the inhabitants of Grand and San Juan Counties, Utah.

That public convenience and necessity require that applicant should be allowed to establish a route for the transportation of passengers, baggage, express, and package freight between Moab, Utah, and Price, Utah, and intermediate points; that said route should be over Highway U. S. 450 between Moab and Valley City, and Highway U. S. 50 between Valley City and Price.

That the population of southeastern Utah to be served by proposed line is about five thousand people.

That public convenience and necessity also require that applicant should be authorized to establish a route for the transportation of passengers and freight between Moab, via Thompson, and Cisco to the Utah Colorado State line. This proposed route would follow Highway U. S. 450 between Moab and Valley City and Highway U. S. 50 between Valley City and the Utah Colorado State line, its eastern terminus being Grand Junction, Colorado.

Price, Utah, and Grand Junction, Colorado are jobbing centers and the establishment of the two proposed routes will enable the agricultural interests of Grand and San Juan Counties to secure service direct from the farms to their primary markets, and without the delays that necessarily accrue on less than carload shipments by rail.

Protest filed by certain individuals in San Juan County are in part as follows:

“Hundreds of thousands of acres of uncultivated lands in this county await the plow and the harvester. Whether or not these lands will be cultivated and made to produce crops and taxes all depends upon our transportation rates. Our local truck owners realize this problem and are cooperating with us to make farming pay. If left alone, we will work this problem out to our entire satisfaction; but if the above franchise or certificate is granted, it will either force us to buy our own trucks and try and make a one way haul pay, or else we will have to forget San Juan County's farming possibilities.

“In order for these owners of trucks to make a profit on their hauls it is necessary that they have the right and privilege of loading for various persons or wherever they can find anything to transport. No

one of us is, at present able to furnish them with a sufficient haul to keep them busy at a profit.

"Therefore, we, as citizens and taxpayers of the State of Utah, respectfully request your Honorable Commission to deny the application of the above company for a franchise or certificate to transport goods, wares, and merchandise between San Juan County points and Price, Utah, and state line west of Grand Junction, Colorado, and allow us to work out the transportation problem among ourselves."

The attention of said protestants is hereby directed to Chapter 42, Laws of Utah, 1927, and amendments thereto:

"Section 1. Definition—automobile company for hire. 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. 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, merchandise, or other property over the public highways of the State of Utah, outside of cities or towns, without first obtaining a permit therefore 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 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 of Utah, 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."

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. 375

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of March, 1931.

In the Matter of the Application of the MOAB GARAGE COMPANY, for a permit to operate automobile passenger, baggage, express, and freight service be- tween Moab and Thompson, Utah, via Green River to Price, also via Cisco to the Colorado Utah State line.	}	Case No. 1183
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This case being at issue upon application and protests on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application herein, be and it is hereby, granted, and that the applicant, Moab Garage Company, be and it is hereby, authorized to operate an automobile passenger, baggage, express, and package freight service between Moab and Price, Utah, and intermediate points, over U. S. Highway 450 between Moab and Valley City, and Highway No. 50 between Valley City and Price, Utah.

ORDERED FURTHER, That applicant, Moab Garage Company, be and it is hereby, authorized to operate an automobile passenger and freight line between Moab, via Thompson and Cisco to the Utah Colorado State line over U. S. Highway No. 450 between Moab and Valley City and U. S. Highway No. 50 between Valley City and the Utah Colorado State line.

ORDERED FURTHER, That applicant, Moab Garage 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 bus lines.

By the Commission.

(Signed) F. L. OSTLER

(Seal)

Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of L. B. DENNING and JOHN McFADYEN, for a certificate of convenience and necessity to construct, maintain, and operate gas distributing plants or systems for the purpose of supplying gas for light, heat, power, and other purposes in Utah County and to the Cities of Springville, Spanish Fork, Provo, Pleasant Grove, Orem, Lindon, American Fork, and Lehi, all in Utah County, State of Utah, and to the inhabitants thereof.

} Case No. 1184

Submitted: March 10, 1931. Decided: March 27, 1931.

Appearances:

Ingebretsen, Ray & Rawl-
ins, Attorneys, Salt Lake } for Applicants.
City, Utah.

Lewis C. Karrick, Salt } for Himself and in behalf of
Lake City, Utah. } the general public.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, after due notice given, at Provo, Utah, on the 18th day of February, 1931; upon the application of John McFadyen and L. B. Denning, for an order or a certificate of convenience and necessity, authorizing and permitting the construction, maintenance, and operation of gas distributing plants or systems for the purpose of supplying the Cities of Springville, Spanish Fork, Provo, Pleasant Grove, Orem, Lindon, American Fork, and Lehi, in Utah County, State of Utah, and the inhabitants thereof, with gas for light, heat, power, and other useful purposes, and the protest made thereto by Lewis C. Karrick, for and in behalf of himself and the general public. After the hearing at Provo, the matter was continued for further hearing, by order of the Commission, at its office in the State Capitol, Salt Lake City, Utah, on the 10th day of March, 1931, at which time and place the hearing was concluded.

The application herein made in the names of John McFadyen and L. B. Denning for a certificate of convenience and necessity was and is in a representative capacity for and in the behalf of the Wasatch Gas Company, so stated to be by the attorneys for the applicants and so understood by the Commission throughout the entire proceedings had in this case before it. It will, therefore, be understood that whenever the term "applicant" is mentioned in the report of the Commission which follows, the same refers to and means the Wasatch Gas Company.

From the evidence adduced for and in behalf of the interested parties and from the admitted facts as shown by the records and files in the case, 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. Under the provisions of its articles of incorporation, a certified copy of which has been duly filed in the office of the Public Utilities Commission of Utah, it has among other things, the power to engage 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, Compiled Laws of Utah, 1917, and is a public utility under the jurisdiction of the Public Utilities Commission of Utah.

2. That through its representatives, John McFadyen and L. B. Denning, the applicant, Wasatch Gas Company, has procured from the local authorities of Utah County, Provo, Lindon, Pleasant Grove, American Fork, and Lehi, Utah, the necessary franchises authorizing and permitting it to construct, maintain, and operate gas distributing plants or systems for the purpose of supplying gas for light, heat, power, and other useful purposes in the said County, Cities, and Towns, and to the inhabitants thereof, and said franchises are now filed in the office of the Public Utilities Commission. It has applications pending for like franchises in the Cities of Orem, Springville, and Spanish Fork, in Utah County, Utah.

3. Among the cities and towns above mentioned, Provo, Springville and Spanish Fork, and the inhabitants thereof, for many years last past and until recently, have been served with artificial gas for all useful purposes by the Utah Valley Gas & Coke Company, a "gas corporation;" that the corporate affairs of the Utah Valley Gas & Coke Company are now in a receivership, pending before the United States District Court for the District of Utah, and but recently the physical property, including the gas distributing system, under which Provo, Springville, and Spanish Fork were supplied with artificial gas, was sold at foreclosure sale.

4. That the City of Provo has a population of 14,766 people, Springville 3,748, Spanish Fork 3,727, Orem 1,915, Pleasant Grove 1,754, American Fork 3,047, and Lehi 2,826, the total population of the territory sought to be served by the applicant being 21,783.

5. That the Cities of Orem, Pleasant Grove, American Fork and Lehi have never been served with gas for any purpose.

6. That each and all of the cities and towns sought to be served by the applicant are now and will continue to be in need of gas for domestic, commercial, and industrial uses, and the applicant has ample financial ability and all the necessary resources with which it can supply their needs with either natural or artificial gas, as may best subserve the interests of the public.

7. That applicant proposes to serve gas to Provo, Springville, and Spanish Fork, and the inhabitants thereof, if granted a certificate of convenience and necessity authorizing and permitting it so to do, at rates, for the most part, substantially lower than those heretofore charged by the Utah Valley Gas & Coke Company, as will more fully appear by its proposed rate schedules offered herein and received as exhi-

bits, which are hereby expressly referred to and made a part of these findings.

8. That the protestant, L. C. Karrick, for and in behalf of himself and the general public, clearly demonstrated herein that it is both feasible and practicable to scientifically treat Utah bituminous coal, found in almost inexhaustible quantities within the borders of the State of Utah, so as to make a solid smokeless fuel suited to the needs of both domestic and industrial consumers of coal. He gave it as his opinion that in the processing of Utah coal, ample gas as rich in heating properties as natural gas, and oil that could be converted into gasoline, could be produced to supply the needs of the State, at prices equivalent to those now charged for similar or the same products. Mr. Karrick is an experienced engineer, who has spent many years with the United States Bureau of Mines, doing research work and in experimenting with Utah coals. He offered numerous exhibits for the record herein which were received and are hereby expressly referred to and made a part of these findings.

9. That there is not now a plant nor is there any positive assurance given that in the immediate future there will be a plant constructed in Utah for the processing of Utah coal into smokeless fuel, with the attending products, gas and oil, that might be utilized to the economic welfare of the State.

From the foregoing findings, the Commission concludes and decides that the application of the Wasatch Gas Company, for a certificate of convenience and necessity authorizing and permitting it to construct, maintain, and operate gas distributing plants or systems for the purpose of supplying gas, natural or artificial, as will best subserve the public needs, for light, heat, power, and other useful purposes, in Utah County, and to the Cities of Springville, Spanish Fork, Provo, Pleasant Grove, Orem, Lindon, American Fork, and Lehi, in Utah County, Utah, and the inhabitants thereof, should be granted.

That the proposed rates to be charged by the applicant for gas service should not now be approved, nor until a showing is made before the Commission as to the cost of construction of the applicant's distributing systems and the amount of the necessary capital investment made for the purpose of serving the cities and towns it herein proposes to serve, together with such other factors as properly should be considered before determining whether or not its proposed rates for service are just and reasonable.

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. 378,

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 27th day of March, 1931.

In the Matter of the Application of L. B. DENNING and JOHN McFADYEN, for a certificate of convenience and necessity to construct, maintain, and operate gas distributing plants or systems for the purpose of supplying gas for light, heat, power, and other purposes in Utah County and to the Cities of Springville, Spanish Fork, Provo, Pleasant Grove, Orem, Lindon, American Fork, and Lehi, all in Utah County, State of Utah, and to the inhabitants thereof. } Case No. 1184

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 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 herein of the Wasatch Gas Company, through its representatives, John McFadyen and L. B. Denning, be and it is hereby, granted, and that the Wasatch Gas Company be authorized and permitted to construct, maintain, and operate gas distributing plants or systems for the purpose of supplying gas, either natural or artificial, as may best subserve the public needs, for light, heat, power, and other purposes, in Utah County and to the Cities of Springville, Spanish Fork, Provo, Orem, Pleasant

Grove, Lindon, American Fork, and Lehi, all in Utah County, State of Utah, and to the inhabitants thereof, provided, however, that this order shall not become effective as to Orem, Springville, and Spanish Fork unless and until the Wasatch Gas Company procures therefrom the necessary franchises from the local authorities of the said cities in manner and form required by the statutes of Utah, and the same are placed on file with the Public Utilities Commission.

By the Commission.

(Signed) F. L. OSTLER
Secretary

(Seal)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the
TELLURIDE POWER COMPANY, for
a Certificate of Convenience and Necessity. } Case No. 1189

Submitted: August 19, 1930. Decided: January 20, 1931.
Appearance:

Mr. H. R. Waldo, 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 August 18, 1930, after due notice given upon the application of the Telluride Power Company for a certificate of public convenience and necessity authorizing and permitting it to exercise franchise granted by Juab County, and to construct, operate and maintain a transmission line for the better servicing of its patrons in connection with its electrical system.

At the hearing of said matter no protests were made on behalf of any interested parties to the granting of the order as applied for by the applicant. Later, however, T. Clark Callister of Fillmore, Utah, appeared and informally protested to the granting of the application upon the ground that the construction of the line in the manner proposed, would be in such close proximity to the telephone line of the Millard County Telephone & Telegraph Company, of which Mr. Callister is the manager, so as to seriously impair the telephone service of said company. Thereupon the Commission

informally investigated the claims of the Millard County Telephone & Telegraph Company, and after a number of conferences held before the Commission, changes were made in the line as theretofore projected, a compromise affected and further objection to its construction on the part of the Millard County Telephone & Telegraph Company was withdrawn.

It appears that the construction of the line as now proposed will materially improve the service of the applicant to its patrons and will also enable it to efficiently serve communities not heretofore served by an electrical corporation, and that public convenience and necessity requires the construction, operation and maintenance of the line proposed to be built by the applicant, and that the application should be granted.

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. 373.

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 20th day of January, A. D., 1931.

In the Matter of the Application of the
TELLURIDE POWER COMPANY, for
a Certificate of Convenience and Necessity. } Case No. 1189

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 Telluride Power Company,

be and it is hereby authorized and permitted to construct, maintain, and operate a high tension transmission line running from a connection with the line between Santaquin and Gunnison at a point a short distance north of Nephi, Utah, to Delta, Utah, by way of the settlements of Leamington and Lynndyl in Millard County, Utah, for the purpose of affording electric service to territory contiguous to applicant's system not heretofore served by any electrical corporation, as well as to improve the service in the territory already served by applicant.

ORDERED FURTHER, That in the construction of such transmission line, applicant, Telluride Power Company, shall conform to the rules and regulations heretofor issued by the Commission governing such construction.

By the Commission.

(Signed) F. L. OSTLER
Secretary

(Seal)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the
TELLURIDE POWER COMPANY, for
a Certificate of Convenience and Necessity. } Case No. 1189

SUPPLEMENTAL REPORT AND ORDER OF THE COMMISSION

In this matter the Commission having heretofore on the 20th day of January, 1931, made and filed its Report and Order thereon, and having inadvertently omitted in its order to grant the applicant the right to exercise the franchise right theretofore granted by Juab County.

NOW THEREFORE, IT IS ORDERED, that said Report and Order and Certificate of Convenience and Necessity No. 373, be and the same are hereby modified and amended to include the right of the applicant to exercise the franchise right heretofore granted the applicant by Juab County, Utah, on the 8th day of August, 1930, insofar as the same may pertain to the construction, maintenance, and operation of the transmissison line authorized herein to be constructed, and the

use thereof in any manner that will not conflict with other established utilities rendering service in that territory.

Dated at Salt Lake City, Utah, this 2nd day of April, 1931.

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

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, a Corporation, for permis- sion to discontinue the operation of its station at Collinston, Utah, as an Agency Station.	}	Case No. 1199
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Submitted: December 18, 1930. Decided: March 3, 1931.

Appearances:

Robert B. Porter, Attor- ney, Salt Lake City, Utah,	}	for Applicant, Oregon Short Line Railroad Company.
J. Wesley Horsley, Attor- ney, Brigham City, Utah.	}	for Protestants, Citizens and Residents of Collinston, Beaver Dam, Fielding, East Garland and territory affected.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 28th day of November, 1930, the Oregon Short Line Railroad Company filed herein a petition for permission to discontinue its agency station at Collinston, Utah, alleging among other things that the revenues derived from the business handled thereat does not warrant its maintenance and operation, and that public convenience and necessity does not require the same.

Protests were made and filed for and in behalf of numerous residents within the territory that would be affected by the granting of the petition. The matter came on regularly

for hearing before the Commission upon said petition and protests at Collinston, on the 18th day of December, 1930, after due notice given.

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

1. That the petitioner, Oregon Short Line Railroad Company is a "railroad corporation" organized and existing under the laws of the State of Utah, and is a part of the Union Pacific Railroad System. It operates a main line steam railroad out of Salt Lake City via Ogden, through Utah to points in other States of the northwest. The town of Collinston, in Box Elder County, Utah, is situated on its said main line and up to the present time, the petitioner has for the purpose of attending to its railroad business and serving the shipping public, kept an agent, and is now maintaining an agency station at said point.

2. That petitioner has heretofore kept and now maintains an agency station at Cache Junction, on its said main line of railroad in Utah, 8.7 miles north and one at Dewey, 4.2 miles south of Collinston. Tributary to, depending upon, and patronizing in a great measure, the agency station of the petitioner at Collinston, are the towns or communities known as Collinston, Beaver Dam, Wheelon, Fielding, East Garland, Riverside, and Plymouth, within a radius of about twelve miles. Combined, they represent a population of about 2,500 people. The principal pursuits engaged in by the people residing in these communities are agriculture and stock raising. The fifteenth census of the United States enumerates 417 farms tributary to the Collinston station. Large shipments of grain outbound and many carload shipments of live stock both inbound and outbound, are handled annually at Collinston, and at neighboring loading stations, largely depending upon Collinston for agency service.

3. That the expenses of operating petitioner's agency station at Collinston during the year ending September 30, 1930, was the sum of \$2,012.50. For the same period of time, the operating revenues received by the petitioner at its Collinston Station were, not including charges paid on outbound freight at destinations and on inbound freight at points of origin, \$916.71.

4. From the territory affected by the petition of the petitioner herein, at Durfsee siding or loading station, a point dependent upon Collinston for agency service, fourteen carloads of freight were forwarded in 1930, from which the petitioner

derived as revenue \$1,108.01; in February, 1930, petitioner received on similar shipments, revenue amounting to \$111.80; that during the month of September, 1930, \$99.00; in October, 1930, on traffic from and to Collinston amounting to \$1,125.26, on carload shipments and on less than carload shipments.

5. The territory in and about Collinston, is almost wholly dependent upon the rail service of the petitioner, Oregon Short Line Railroad Company, for its transportation, there being no other transportation readily available, neither automobile nor railroad.

From the foregoing findings and the records and files in the case, the Commission concludes and decides that the petition of the Oregon Short Line Railroad Company, herein, for permission to discontinue its agency station at Collinston, Utah, should be denied.

We cannot agree with the contention made by the petitioner that the business transacted at Collinston is not sufficiently remunerative to warrant its keeping of an agent there, nor that the interests of the shipping public might be quite as well subserved without the assistance of an agent.

From the evidence in this case, we think it is quite conclusively shown that the convenience of shippers needs the aid of an agent; that the shipments destined to and originating at Collinston are sufficiently large and of such character, that good service requires an agent's attention, and that the expense of keeping one will not be especially burdensome upon the petitioner nor upon its rate payers in general. Moreover, the character of the territory affected shows promise of improvement rather than a decline in the amount of traffic to be afforded petitioner.

IT IS THEREFORE ORDERED, That the application herein, of the Oregon Short Line Railroad Company, for permission to discontinue the operation of its station at Collinston, Utah, as an agency station, 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 LOUIS R. LUND and ALMA R. BARTON, Co-Partners, for permission to operate an automobile freight truck line between Salt Lake City and Cedar City, Utah, and certain intermediate points. } Case No. 1200

Submitted: April 9, 1931. Decided: April 21, 1931.

Appearances:

Sam D. Thurman, Attorney, of Irvine, Skeen & Thurman, Salt Lake City, Utah, } for Applicants.

Robert B. Porter, Attorney, Salt Lake City, Utah, } for Protestants, Los Angeles & Salt Lake RR. and Interstate Transit Lines.

Abe Murdock, Attorney, Beaver, Utah, } for Protestant, Beaver-Milford Transportation Co.

E. J. Hardesty, Agent, Salt Lake City, Utah, } for Protestant, Railway Express Agency.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 2nd day of December, 1930, Louis R. Lund and Alma R. Barton, Co-Partners, doing business under the name of Lund & Barton, filed with the Public Utilities Commission of Utah, an application for a certificate of public convenience and necessity permitting them to operate an automobile truck freight and express service between Salt Lake City and Cedar City, Utah, by way of U. S. Highway No. 91, serving in addition to said Salt Lake City and Cedar City, the following cities and towns south of Kanosh, Millard County, Utah, but not including Kanosh: Cove Fort and Beaver City in Beaver County, and Paragonah, Parowan, and Summit in Iron County.

This application was formally protested by the Interstate Transit Lines, the Los Angeles & Salt Lake Railroad Company, the Railway Express Agency, the Beaver-Milford Transportation Company, John P. Barton, Mayor of Beaver City, the City Council of Beaver City, and other residents and

business men of Beaver City, also Joseph J. Milne of St. George, Utah, certificate holder from Cedar City to St. George operating two days each week.

The matter came on regularly for hearing before the Commission after due notice given, on the 6th day of January, 1931, at Cedar City, Utah, at 10:00 A. M. From the evidence adduced for and in behalf of the parties at said hearing, the Commission finds:

1. That the applicants, Louis R. Lund and Alma R. Barton, are residents of St. George, Washington County, Utah, and that for more than five years last past have been, and now are, co-partners operating under the name of Lund and Barton, and engaged in the business of transporting freight and express between Cedar City and St. George, Utah, serving said two cities and certain intermediate points; that in the conduct of said freight and express operations, the applicants have operated, and are now operating under certificates of public convenience and necessity granted by the Public Utilities Commission of the State of Utah; that applicants are equipped with sufficient automobile freight trucks and other equipment to adequately serve said territory between Salt Lake City and Cedar City, by way of U. S. Highway No. 91, including in addition to the two cities named, Cove Fort, Beaver City, Paragonah, Parowan, and Summit, Utah; and have available sufficient capital to provide all necessary warehouse space and warehouse equipment, and propose to provide semi-weekly service between the points aforesaid, for all kinds and classes of freight available for transportation within said territory, upon such rates and tariffs as may be approved and required by the Public Utilities Commission; that applicants are also equipped with sufficient automobile freight trucks to increase the frequency of said service so as to meet the growing needs of the communities served, whenever and as rapidly as the convenience and necessity of the public require; and that said applicants have at the present time, the following freight truck equipment:

- 1—B. J. Mack truck—5 tons,
- 2—B. J. Mack trucks—1½ tons,
- 1—Reo truck—3 tons,
- 1—Chevrolet truck—1½ tons,
- 1—Chevrolet truck—½ ton,
- 1—Ford truck—½ ton,
- 2—Trailers.

2. That the protestant, Los Angeles & Salt Lake Railroad Company, is a railroad corporation, organized and existing under and by virtue of the Laws of the State of Utah; that it is a common carrier of freight and passengers, and is engaged in operating a main line of railroad extending through the States of Utah, Nevada, and California, with a branch line extending from Lund on said main line to Cedar City, Utah; that the towns through which applicants propose to operate are now sufficiently served by this protestant, and by other parties, and there is no necessity for any additional transportation facilities; further that this protestant is now operating trains to Fillmore and Cedar City and Milford, and that there is at present, transportation facilities from Milford to Beaver, and that the present transportation facilities between these points are more than sufficient to take care of the needs and conveniences of the various towns and communities which the applicants propose to serve; that protestant is now operating its trains to Cedar City and Fillmore at a loss and that additional transportation service to these communities would mean additional losses to this protestant.

3. That the protestant, 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; that it is now operating two stages daily from Salt Lake City, south through the Towns of Fillmore, Beaver, Cedar City and St. George, and intermediate points, and that it is operating two stages daily from these points north to Salt Lake City, and that upon these stages it is privileged to carry and does carry express matters of various kinds.

4. That the protestant, Railway Express Agency, is a corporation carrying express over the lines of the Los Angeles & Salt Lake Railroad; that a train leaves Salt Lake City at 8:00 A. M. and that connection arrives in Cedar City at 4:30 P. M. the same day; that the next train leaves Salt Lake City at 5:15 P. M., and the connection arrives at Cedar City at 7:00 A. M., the following morning; that a pick up service at Salt Lake City and a delivery service at Cedar City are maintained; and that all express for Beaver leaves on the same trains and is delivered at Milford to the Milford-Beaver Transportation Company.

5. That the protestant, the Beaver-Milford Transportation Company, is holder of Certificate of Convenience and Necessity No. 172, authorizing it to haul freight and express between Milford and Beaver, Utah, and intermediate points,

is the owner of six trucks, and a \$9,000.00 warehouse at Beaver, and is well equipped to give first class service to the merchants and other residents of said district.

6. Written protests in the form of resolutions were read into the record from the Mayor and City Council of Beaver City, also a petition was presented, signed by practically all of the business men of Beaver, to the effect that the transportation services rendered Beaver City by the railroad and by the Beaver-Milford Transportation Company were sufficient and that no other transportation facilities were necessary.

7. That Mr. Joseph J. Milne of St. George certificate holder from Cedar City to St. George, operating two days a week, entered a verbal protest to the granting of applicants' petition.

From the foregoing facts the Commission concludes and decides that public convenience and necessity does not require at the present time automobile truck service between Salt Lake City and Cedar City, Utah, and the application of Louis R. Lund and Alma R. Barton, Co-Partners, should be denied.

The record shows that there was practically unanimity among all the witnesses that the transportation services now rendered the communities in question are satisfactory. The people, generally speaking, and including the officials of cities in said district, are satisfied with the service of existing carriers. They say they do not desire to weaken nor impair the service now being rendered by established freight and express lines, railroad and automobile.

IT IS THEREFORE ORDERED, That the application herein, of Louis R. Lund and Alma R. Barton, Co-Partners doing business as Lund & Barton, for permission to operate an automobile freight truck line between Salt Lake City and Cedar City, Utah, and certain intermediate points, be and it is hereby, denied without prejudice.

(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
STATE ROAD COMMISSION OF
UTAH, and TOOELE COUNTY, for
permission to abandon two existing grade
crossings over the main track of the Los
Angeles & Salt Lake Railroad Company,
near Tooele, Tooele County, Utah. } Case No. 1201

Submitted: February 7, 1931. Decided: February 17, 1931.

Appearances:

H. S. Kerr, Chief Engineer,	}	for State Road Commission.
J. V. Lyle and J. T. Hammond, attorneys,		
	}	for Los Angeles & Salt Lake Railroad Company.
P. C. Evans, attorney,		
	}	for Willis Smith, et al., Protestants.
J. C. DeLamare, Commissioner		
	}	for Tooele County.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter was regularly brought on for hearing before the Public Utilities Commission of Utah at its office in Salt Lake City, Utah, on the 28th day of January, 1931, after due notice given upon the application of the State Road Commission for permission to abandon two existing grade crossings over the main tracks of the Los Angeles & Salt Lake Railroad Company near Tooele, Utah, and the protest filed thereto by Willis Smith, et al., to the granting of the application and the order as applied for.

It appears that the State Road Commission of Utah is a Commission established by law, among other things having general supervision over construction and maintenance of public highways of the State.

That the Los Angeles & Salt Lake Railroad Company is a railroad corporation organized under the laws of the State of Utah, and is engaged in the business of operating a main line of railroad between Salt Lake City, Utah, and Los Angeles, Calif. via Tooele, Utah.

That the State Road Commission of Utah has recon-

structed and improved the state highway between Mills Junction and Tooele, in Tooele County, Utah, said highway being described as Federal Aid Project No. 87-B; that as a part of the construction of the said highway, it is proposed to construct and maintain an overhead crossing over the main tracks of the Los Angeles & Salt Lake Railroad Company at Mile Post 751.27 at or near Tooele, Utah, and that the construction of the same will permit the elimination of two public crossings heretofore used over said main line of the Los Angeles & Salt Lake Railroad Company, and that public convenience and safety require the construction of the said overhead crossing; that for a more detailed description of the crossings at grade that will be eliminated, reference is hereby made to the map or plat showing the location thereof, attached to the application of the State Road Commission herein, which said map or plat is hereby referred to and made a part of these findings.

That the State Road Commission, Tooele County, and the Los Angeles & Salt Lake Railroad Company have entered into a tentative agreement that the cost of the construction of the overhead crossing will be approximately \$38,963.62, and that the apportionment of the cost when fairly made will be \$19,041.81 for the Los Angeles & Salt Lake Railroad Company, and \$19,921.81 for the State of Utah, County of Tooele, and the U. S. Government; that said apportionment would be fair and just in accordance with the agreement entered into between the parties.

That the Commission further finds that the protesting parties have during the course of the proceedings, withdrawn their several protests and are making no further objection to the construction of the said overhead crossing according to the plans and specifications as proposed by the State Road Commission.

From the foregoing facts the Commission concludes and decides that the application of the State Road Commission of Utah and Tooele County herein, for the elimination of two grade crossings and the separation of grades at the intersection of the Los Angeles & Salt Lake Railroad Company's main line, at or near Tooele City, Utah, should be granted, and that the manner of construction and the apportionment of costs thereof including maintenance should be made between the County of Tooele, State of Utah, and the Federal Government, and the Los Angeles & Salt Lake Railroad Company as now agreed upon between the parties and as hereinbefore set forth.

IT IS THEREFORE ORDERED, That the application herein of the State Road Commission of Utah and Tooele County, for permission to abandon two existing crossings over the main line track of the Los Angeles & Salt Lake Railroad Company, and to construct and maintain an overhead crossing in lieu thereof, be and it is hereby granted, and that the apportionment of costs be made as set forth in the tentative agreement entered into by the parties, hereinbefore referred to and made a part of the findings.

(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 J. W. JOHNSTUN, ALMA WARREN, CYRIL WOOLSTENHULME, and E. J. WENTZEL, a Co-partnership, to have Certificates of Convenience and Necessity Nos. 32, 117, and 177 cancelled, and a new certificate issued to the Uintah Basin Stages, covering the same points as covered by said certificates. } Case No. 1203

Submitted: January 28, 1931. Decided: January 30, 1931

Appearances:

Dan B. Shields, Salt Lake City, Utah, and L. C. Montgomery, Heber City, Utah, } Attorneys for Applicants.

REPORT OF THE COMMISSION

By the Commission:—

On the 12th day of January, 1931, J. W. Johnstun, Alma Warren, Cyril Woolstenhulme, and E. J. Wentzel, a co-partnership operating under the name of the Dodge Stage Line, as an "automobile corporation" rendering service as a common carrier for hire under Certificates of Convenience and Necessity Nos. 32, 117, and 177, filed herein their application for

and in behalf of the Uintah Basin Stages, an "automobile corporation" under and by virtue of the laws of the State of Utah for a certificate of convenience and necessity authorizing and permitting the Uintah Basin Stages to render automobile passenger service over the public highways of the State of Utah, the same as heretofore rendered by the said Dodge Stage Line under said Certificates of Convenience and Necessity Nos. 32, 117, and 177, respectively and aforesaid.

The matter came on regularly for hearing before the Commission at its office in the State Capitol, Salt Lake City, Utah, on the 28th day of January, 1931, after due notice given. No protests were made or filed to the granting of the application.

It appears, that the applicants, J. W. Johnstun, Alma Warren, Cyril Woolstenhulme, and E. J. Wentzel are a co-partnership, and that they are the owners and holders of Certificate of Convenience and Necessity No. 32, issued in Case No. 122 on the 3rd day of May, 1919, authorizing and permitting the rendering of automobile passenger service for hire over the public highway between Price and Roosevelt, via Nine Mile Canyon; also Certificate of Convenience and Necessity No. 117, issued in Case No. 443 on the 22nd day of August, 1922, authorizing operation between Vernal and Helper, Utah; and Certificate of Convenience and Necessity No. 177, issued in Case No. 629 on the 14th day of June, 1922, authorizing operation between Duchesne and Heber City, Utah.

That the applicants now desire to discontinue to render the automobile passenger service authorized under said Certificates of Convenience and Necessity Nos. 32, 117, and 177, and to have the said service taken over and rendered by the said Uintah Basin Stages, under similar schedules, both as to time and rates, as heretofore rendered by them under the name of the Dodge Stage Line.

That the Uintah Basin Stages is an "automobile corporation" duly organized and existing under and by virtue of the laws of the State of Utah; that it is financially able to and will, if authorized so to do by a certificate of convenience and necessity, render automobile passenger service as a common carrier over the public highways between Heber City and Vernal, over U. S. Highway No. 40, between Vernal and Price over either State Highway No. 33, via Duchesne, or over State Highway No. 53, via Myton and Nine Mile Canyon, but excluding local service between Price and Castle Gate, as the public needs and convenience shall require; that a certified

copy of the Articles of Incorporation of the Uintah Basin Stages has been filed in the office of the Commission.

That there are more than 22,000 people residing in the territory proposed to be served by the Uintah Basin Stages, and that said population has, and will have in the future, no other transportation service for hire other than that now applied for and proposed to be rendered herein by the Uintah Basin Stages; that public convenience and necessity require said automobile passenger service, and that the said applicant, Uintah Basin Stages, is in every way qualified to render the same.

From the foregoing conclusions and facts, the Commission concludes and decides that the application herein should be granted.

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. 374

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, 1931.

<p>In the Matter of the Application of J. W. JOHNSTUN, ALMA WARREN, CYRIL WOOLSTENHULME, and E. J. WENTZEL, a Co-partnership, to have Certificates of Convenience and Necessity Nos. 32, 117, and 177 cancelled, and a new certificate issued to the Uintah Basin Stages, covering the same points as covered by said certificates.</p>	}	Case No. 1203
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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 Certificates of Convenience and Necessity Nos. 32, 117, and 177, issued in Cases Nos. 122, 443, and 629, respectively, to the applicants as a co-partnership operating under the name of the Dodge Stage Line, be and they are hereby, cancelled and annulled.

ORDERED FURTHER, That the Uintah Basin Stages, be and it is hereby, authorized to operate an automobile passenger stage line between Heber City and Vernal, Utah, over U. S. Highway No. 40, and between Vernal and Price, Utah, over either State Highway No. 33, via Duchesne, or over State Highway No. 53, via Myton, through Nine Mile Canyon, provided that it shall not carry passengers locally between Price and Castle Gate, Utah, over U. S. Highway No. 50.

ORDERED FURTHER, That the Uintah Basin Stages, 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 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 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 the
UTAH PARKS COMPANY, for a certificate of convenience and necessity to engage in the telephone and telegraph business in connection with the operation of certain National Parks in Southern Utah. } Case No. 1204

Submitted: March 9, 1931. Decided: April 2, 1931.

Appearances:

George H. Smith and J. V. }
Lyle, Attorneys, Salt } for Applicant, Utah Parks
Lake City, Utah. } Company.

REPORT OF THE COMMISSION

By the Commission:—

On the 24th day of February, 1931, the Utah Parks Company filed herein its application for a certificate of convenience and necessity authorizing and permitting it to construct, operate, and maintain a telephone and telegraph system or systems for serving out of and connecting Cedar City, Iron County, Utah, with Cedar Breaks National Monument, in Iron County, Bryce Canyon National Park, Garfield County, and Zion Canyon National Park, Washington County, Utah, not including intermediate points thereto, and for permission to connect the same with the telephone system of The Mountain States Telephone & Telegraph Company, and with the telegraph system of the Western Union Telegraph Company, the use of said telephone and telegraph systems to be limited and restricted, however, by the petitioner and its patrons to that portion of each year commonly known as the tourist season, when the above mentioned parks are open to the public, and applicant's facilities for transportation and entertainment are made available to the public by it. No protest was made or filed to the granting of the application as made.

The matter came on regularly for hearing on said application before the Commission at its office in the State Capital, Salt Lake City, Utah, on the 9th day of March, 1931, after due notice given, and from the evidence adduced for and in behalf of the applicant, it is shown:

1. That the applicant, Utah Parks Company, is a corporation duly organized and existing under and by virtue of the Laws of the State of Utah, with its principal office or place of business at Salt Lake City, Utah; that its articles of incorporation are duly filed in the office of the Public Utilities Commission, and they provide, among other things, that the applicant may engage in the business of affording facilities for the accommodation and entertainment of tourists and others.

2. That the applicant is now and for several years last past has been engaged in the business of rendering automobile transportation service, maintaining lodges, cottages, restaurants, and other facilities for the accommodation and enter-

tainment of tourists and others visiting the scenic attractions at Zion National Park, Bryce Canyon National Park, and at Cedar Breaks National Monument in Southern Utah, and at Grand Canyon National Park (North Rim) in the State of Arizona, all connected and reached by a system of highways out of Cedar City, the terminal of a branch line of railroad owned and operated by the Los Angeles & Salt Lake Railroad Company.

3. That the applicant is a subsidiary of the Los Angeles & Salt Lake Railroad Company, a part of the Union Pacific System, and is amply financed by it in all of its undertakings, including that for the construction, maintenance, and operation of the telephone and telegraph systems proposed.

4. That during the tourist season of the year 1930, approximately 35,000 persons visited the said parks and their scenic attractions, the greater portion of whom availed themselves of the facilities there afforded by the applicant.

5. That during the open or tourist season at said parks, public convenience and necessity requires the means of communication by telephone and telegraph herein proposed by applicant, and there has been and will continue to be on the part of visitors availing themselves of the facilities of the applicant and otherwise a demand for such services, through the medium of properly constructed, operated, and maintained telegraph and telephone lines or systems connected at Cedar City with those of The Mountain States Telephone & Telegraph Company and the Western Union Telegraph Company.

6. That the applicant has obtained from the local authorities and filed with the Public Utilities Commission, the necessary franchises to enable it to occupy the county roads, highways, and streets of the counties and municipalities in the territory herein sought to be served by it, with poles, wires, and all other necessary equipment for the rendering of said telephone and telegraph service, all of which will more fully appear from the records and files, herein, to which reference is hereby made, and the same declared to be a part of these findings.

From the foregoing findings of fact, the Commission concludes and decides that public convenience and necessity requires the construction, operation, and maintenance of the telephone and telegraph systems as herein proposed by the applicant, and that its application herein should be granted as prayed for by it.

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. 379

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 2nd day of April, 1931.

In the Matter of the Application of the UTAH PARKS COMPANY, for a certificate of convenience and necessity to engage in the telephone and telegraph business in connection with the operation of certain National Parks in Southern Utah.	}	Case No. 1204
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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 made, and the Commisison 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 and permitted to construct, maintain, and operate a telephone and telegraph system or systems for serving out of and connecting Cedar City, Utah, with Cedar Breaks National Monument, Bryce Canyon National Park, and Zion Canyon National Park in Southern Utah, and to connect with the telephone system of The Mountain States Telephone and Telegraph Company, and the telegraph system of the Western Union Telegraph Company, provided, however, that the use of said telephone and telegraph systems be restricted and limited to that portion of each year commonly known as the tourist season.

ORDERED FURTHER, That applicant, Utah Parks Company, construct, maintain, and operate said telephone and telegraph systems in accordance with the standards prescribed by the Commission, as set forth in U. S. Department of Commerce Handbook of the Bureau of Standards No. 10.

By the Commission.

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of GRAND COUNTY, for permission to change the location of a grade crossing over the main line tracks of The Denver & Rio Grande Western Railroad Company, just west of Cisco, Utah. } Case No. 1205

Submitted: May 22, 1931. Decided: June 5, 1931.

Appearances:

C. A. Robertson, Attorney, Moab, Utah, } for Applicant, Grand County.
B. R. Howell, Attorney, Salt Lake City, Utah, } for The Denver & Rio Grande Western Railroad Co.

REPORT AND ORDER OF THE COMMISSION

By the Commission:—

Under date of February 24, 1931, Grand County filed application with the Public Utilities Commission, for permission to move a grade crossing over the main line tracks of The Denver & Rio Grande Western Railroad Company, just west of Cisco, Utah, to a point 2030 lineal feet west of Railroad Mile Post No. 508. It is proposed that the highway will cross the tracks at an angle of 90 degrees.

This case came on for hearing at Salt Lake City, Utah, on the 22nd day of May, 1931, after due notice given. No protests, either written or verbal were made to the granting of the application.

From the testimony and evidence adduced at the hearing, the Commission finds that Grand County has relocated the county highway, and proposes to cross the main line tracks of The Denver & Rio Grande Western Railroad 2030 feet west

of Railroad Mile Post No. 508; that the old road traversed the ends of a number of small washes and went around various dug-ways, and became very slick during the rainy season during June and July and until September, rendering the crossing dangerous; that the new highway traverses territory which has a sandy and gravelly base, is level with the railroad track, and therefore eliminates the hazardous condition at the old crossing; that there is no necessity for cattle guards at the new crossing as the surrounding territory is not fenced; that the traffic on said county highway is very light; that there are a few ranches, the owners of which will be effected by the change, however, all parties concerned have concurred in the change, as have also the superintendent of the Crystal Carbon Company, Pace Brothers Company, at Cisco, and P. F. Dyer, operator of the Hotel at Cisco; and that The Denver & Rio Grande Western Railroad Company is agreeable to the proposed change of crossing, provided that the expense of construction and maintenance be fully borne by Grande County.

From the foregoing findings of fact, the Commission concludes and decides that the application should be granted.

IT IS THEREFORE ORDERED, That the application herein, of Grand County, for permission to move a grade crossing of the county highway over the main line tracks of The Denver & Rio Grande Western Railroad Company, just west of Cisco, Utah, to a point 2030 lineal feet west of Railroad Mile Post No. 508 be, and it is hereby, granted.

(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 RIO
GRANDE MOTOR WAY OF UTAH,
INC., for permission to discontinue operation of automobile passenger, freight, and express service between Provo and Silver City, Utah, and for the Utah Central Transfer Company to assume said service. } Case No. 1206

Submitted: March 16, 1931. Decided: March 23, 1931.

Appearances:

B. R. Howell, Attorney of
 Van Cott, Riter & Farnsworth, Salt Lake City, Utah, } for Applicant, Rio Grande
 Motor Way of Utah, Inc.

J. A. McHale, Mgr., Salt Lake City, Utah, } for Applicant, Utah Central
 Transfer Company.

F. M. Orem, Attorney, Salt Lake City, Utah, } for Salt Lake & Utah Railroad
 Company, D. P. Abercrombie,
 Receiver.

REPORT OF THE COMMISSION

By the Commission:—

On the 9th day of March, 1931, the Rio Grande Motor Way of Utah, Inc., filed with the Public Utilities Commission of Utah, its petition or application for permission to discontinue operation of its automobile line or service over the public highway between Provo and Silver City, Utah, now and heretofore rendered by it, and that a certificate of public convenience and necessity issue to the Utah Central Transfer Company, authorizing and permitting it to render said service.

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 16th day of March, 1931. No objection or protest was made on the behalf of any interested party, to the granting of the petition or application.

It appears:

1. That the Rio Grande Motor Way of Utah, Inc., is a corporation organized and existing under the Laws of the State of Colorado. Having complied with the Laws of the State of Utah, it is duly authorized to conduct and it is now conducting as an "automobile corporation," a general automobile passenger, freight, and express business or service, over certain public highways of the State of Utah, included among which is the automobile passenger, freight, and express service authorized and permitted over highway No. 91, between Provo and Santaquin, thence over Highway No. 26, between Santaquin and Eureka City, Utah, authorized and permitted under Certificate of Public Convenience and Necessity No. 329, issued by the Public Utilities Commission of Utah, on the 1st day of March, 1929, in Case No. 1072.

2. That the Utah Central Transfer Company is a corporation organized and existing under the laws of the State of

Utah, and it is now and for about five years last past, has been conducting as an "automobile corporation" over certain highways of the State of Utah a general automobile freight and express service, among which is that authorized and permitted by Certificate of Public Convenience and Necessity No. 290, issued by the Public Utilities Commission of Utah, on the 14th day of April, 1927, in Case No. 938, and permitting it to operate an auto freight line between Provo and Eureka, via Santaquin, Utah, including intermediate points.

3. That the necessities and conveniences of the people and the shipping public along said Highways Nos. 91 and 26 between Provo and Silver City, Utah, is a continuing one and requires automobile service for hire. That Utah Central Transfer Company is provided with the financial means and is prepared in every way so as to enable it to furnish all the necessary equipment for the service now and heretofore authorized and rendered by the Rio Grande Motor Way of Utah, Inc., under its said Certificate No. 329.

4. That the automobile service heretofore rendered by the Rio Grande Motor Way of Utah, Inc., and the Utah Central Transfer Company, respectively, over said highways between Provo and Silver City, Utah, is now and in the future would continue to be in a very large measure, competitive.

From the foregoing findings, the Commission concludes and decides that the application herein should be granted, that certificate of public convenience and necessity No. 329, heretofore issued by the Commission in Case No. 1072, should be cancelled, and that the Utah Central Transfer Company should be authorized and permitted to render the same automobile service within the same limitations as that heretofore rendered over said highways under it by the Rio Grande Motor Way of Utah, Inc., upon the filing of proper schedules and otherwise complying with the Statutes of Utah.

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. 376

Cancels Certificate of Convenience and Necessity

No. 329

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 23rd day of March, 1931.

In the Matter of the Application of the RIO
GRANDE MOTOR WAY OF UTAH,
INC., for permission to discontinue opera-
tion of automobile passenger, freight, and
express service between Provo and Silver
City, Utah, and for the Utah Central
Transfer Company to assume said service. } Case No. 1206

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 HEREBY ORDERED, That the application herein, be and it is hereby granted, and that Certificate of Convenience and Necessity No. 329, authorizing the Rio Grande Motor Way of Utah, Inc., to operate an automobile passenger, freight, and express service between Provo and Silver City, Utah, be and it is hereby, cancelled and annulled.

ORDERED FURTHER, That the Utah Central Transfer Company, be and it is hereby, authorized and permitted to render the same service within the same limitations as that heretofore rendered over Highways Nos. 91 and 26 by the Rio Grande Motor Way of Utah, Inc., under Certificate of Convenience and Necessity No. 329, hereby cancelled and annulled.

ORDERED FURTHER, That applicant, Utah Central Transfer 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 bus lines.

By the Commission.

(Signed) F. L. OSTLER

(Seal)

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

<p>In the Matter of the Application of ALVA L. COLEMAN, for permission to route his passenger stage line between Heber City and Salt Lake City, Utah, via Park City and Parleys Canyon instead of via Provo and Orem, Utah.</p>	}	Case No. 1207
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Submitted: March 16, 1931. Decided: March 25, 1931.

Appearances:

Mr. Alva L. Coleman, Salt Lake City, Utah, } for Himself.

Mr. Dan B. Shields, Attorney, Salt Lake City, Utah, } for Protestants, Howard Houtney, and D. R. Hout.

REPORT OF THE COMMISSION

By the Commission:—

This is the application of Alva L. Coleman, of Salt Lake City, Utah, for an order of the Public Utilities Commission, authorizing and permitting him to change his established automobile route over the public highway between Salt Lake City and Heber City, Utah, via Provo, through Provo Canyon, so that he may render the same service via Park City, through Parleys Canyon, Utah.

The application was protested by Howard Hout and D. R. Hout of Salt Lake City, Utah. The matter came on regularly for hearing before the Commission after due notice given, at the office of the Commission in the State Capitol, Salt Lake City, Utah, on the 16th day of March, 1931.

It appears:

That the applicant, Alva L. Coleman, is a resident of Salt Lake City, Utah, and for more than six years last past has been engaged in the business of rendering automobile passenger service as a common carrier for hire over the public highway between Salt Lake City and Heber City, via Provo and

Provo Canyon, Utah, under Certificate of Convenience and Necessity No. 227, issued by the Public Utilities Commission on the 31st day of March, 1925, in Case No. 758.

Heber City is a gateway to points in the Uintah Basin, where the automobile is the only available means of transportation. Said Uintah Basin points are now and for many years last past have been served by automobile stages operating for hire and making connection at Heber City with the line of the applicant, Alva L. Coleman, as now and heretofore operated between Heber City and Salt Lake City, via Provo, through Provo Canyon, over U. S. Highway No. 91, Salt Lake City to Provo, thence through Provo Canyon to Heber City over Utah State Highways Nos. 52 and 7; that by said operation no local service has been permitted between Salt Lake City and Provo, and the intermediate points served between Provo and Heber City affords limited traffic only. That the route between Heber City and Salt Lake City, via Park City and by way of Parleys Canyon over U. S. Highway No. 40, as now proposed by the applicant, would shorten the distance to be traveled between Heber City and Salt Lake City approximately fifteen miles, and would be less hazardous for travel, especially during the winter months when the highway through Provo Canyon is oftentimes blocked by snow.

That the protestant, Howard Hout, is at the present time and for many years last past has been engaged in the successful operation of an automobile route, carrying passengers and express between Salt Lake City and Park City, Utah, over U. S. Highway No. 40, under Certificates of Convenience and Necessity Nos. 74 and 320, issued by the Public Utilities Commission of Utah, in Cases Nos. 265 and 1019, respectively.

That the protestant, D. R. Hout, is now operating a route and rendering automobile passenger and express service between Salt Lake City and Coalville over U. S. Highway No. 40, through Parleys Canyon to Kimball's Ranch or Junction, thence over U. S. Highway No. 530 to Coalville, Utah, serving intermediate points between Kimball's Ranch and Coalville, under Certificates of Convenience and Necessity Nos. 348 and 358, issued by the Commission in Cases Nos. 1131 and 1149, respectively.

That E. J. Duke is now and for several years last past has been rendering automobile passenger and express service over said U. S. Highway No. 40 between Heber City and Park City, Utah, under Certificate of Convenience and Necessity No. 310, issued by the Public Utilities Commission in Case No. 996.

That the said services of the protestants, Howard Hout, D. R. Hout, and E. J. Duke, respectively, have been efficient, dependable, and all that public convenience and necessity requires over their respective routes.

That the applicant, Alva L. Coleman, proposes, if this application be granted, to strictly refrain from carrying any passengers that might otherwise patronize the lines or service now being rendered over the said routes of the protestants, Howard Hout, D. R. Hout, and E. J. Duke, respectively, and applicant further proposes to continue to render service over his now established route between Provo and Heber City at all times when occasion requires the same.

From the foregoing facts, the Commission concludes and decides that the application of Alva L. Coleman herein, to operate an automobile passenger bus line over the public highway between Heber City and Salt Lake City, via Park City, through Parleys Canyon should be granted, provided that his said operations shall be confined to the carrying of passengers that would not otherwise have to patronize the now established automobile routes of the protestants, Howard Hout and D. R. Hout, nor that of E. J. Duke, heretofore mentioned and described.

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. 377

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 25th day of March, 1931.

In the Matter of the Application of ALVA
L. COLEMAN, for permission to route
his passenger stage line between Heber
City and Salt Lake City, Utah, via Park
City and Parleys Canyon, instead of via
Provo and Orem, Utah.

} Case No. 1207

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

IT IS ORDERED, That the application herein, be and it is hereby, granted, and that the applicant, Alva L. Coleman, be and he is hereby, authorized and permitted to operate his automobile passenger stage line between Salt Lake City and Heber City, Utah, via Park City, through Parleys Canyon, over U. S. Highway No. 40, instead of via Provo, through Provo Canyon, provided that his operations shall be confined to the carrying of passengers that would not otherwise have to patronize the now established routes of Howard Hout, D. R. Hout, and E. J. Duke, respectively:

ORDERED FURTHER, That the said Alva L. Coleman, in the operation of his said route over U. S. Highway No. 40, shall neither receive nor discharge any passengers locally between Heber City and Salt Lake City, Utah.

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 227, issued in Case No. 758, be and it is hereby, modified to the extent that applicant, Alva L. Coleman shall not hereafter operate over U. S. Highway No. 91 between Salt Lake City and Provo, Utah.

ORDERED FURTHER, That applicant, Alva L. Coleman, before changing his route, shall file with the Commission and post at each station on his line, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming fares and showing arriving and leaving time from each station on said 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 bus lines.

By the Commission.

To become effective April 1, 1931.

(Signed) F. L. OSTLER
Secretary.

(Seal)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the
UTAH LIGHT & TRACTION COM-
PANY, for permission to discontinue
street car service on and remove its tracks
and equipment from West Temple Street
between Thirteenth and Twenty-first
South Streets, in Salt Lake City, Utah. } Case No. 1208

Submitted: March 26th, 1931. Decided April 20th, 1931

Appearances:

George R. Corey, Attor- } for Applicant, Utah Light &
ney, Salt Lake City, Utah, } Traction Company.

A. W. Watson, Attorney, }
Salt Lake City, Utah, } for Salt Lake City Corp.

Matthew Cowley, Attor- }
ney, Salt Lake City, Utah, } for Petitioners.

Harold I. Stewart, Salt } for Certain residents of Salt
Lake City, Utah, } Lake City, Utah.

REPORT OF THE COMMISSION

By the Commission:—

This case came on for hearing on the 26th day of March, 1931, at Salt Lake City, Utah, on the application of the Utah Light & Traction Company, for permission to discontinue street car service on and remove its tracks and equipment from West Temple Street, between Thirteenth and Twenty-first South Streets, all in Salt Lake City, Utah.

After a full consideration of the testimony given and the evidence introduced at the hearing, the Commission finds as follows:

That the applicant is a corporation of the State of Utah owning and operating an electric street railway system in Salt Lake City, Utah; that as a part of such system, applicant owns and operates a single track line, together with passing tracks, on West Temple Street between Thirteenth and Twenty-first South Streets; that said line was constructed about the year 1912, and ever since has been lawfully maintained and operated under and pursuant to the terms and provisions of franchises duly granted to said applicant or its predecessors in interest by the City of Salt Lake.

That applicant also owns and operates as a part of its system a double track street car line located on State Street extending from the business section of Salt Lake City to the City of Murray, which line is two blocks distant from the above mentioned line located on West Temple Street.

That at the time the West Temple line was constructed between Thirteenth and Twenty-first South Streets, said portion of West Temple Street was and at all times since has been, and now is a dirt surface street, and the same has never been paved; that the Board of Commissioners of Salt Lake City now contemplates paving said portion of said street, and to that end has followed the procedure prescribed by law, and has advertised for bids for the paving and improvement of said portion of said street.

That in view of this proposed paving of said street and the portion of the cost thereof that applicant would be required to bear, which would amount to approximately \$42,000, together with the cost of rearranging and rehabilitating its said tracks, the continuance of said line and service thereon would greatly and unnecessarily burden applicant, and would tend to burden and impair service on the balance of its system.

There were no protests to application in the matter of the removal of the tracks and equipment from said West Temple Street between Thirteenth and Twenty-first South Streets, but witnesses representing several hundred petitioners and other residents on the district involved testified as to the necessity of some kind of service being maintained. They stated that with the exception of a small increase in population and the addition of one or two industrial plants, conditions are very much the same now in this district as in 1928, when Case No. 1014 was heard, and that that part of the application referring to the discontinuance of street car service on said South West Temple Street was at that time denied by the Commission.

The record shows that this territory has a population of over 3,000 people, and is a popular residential section. It also contains a number of industrial plants, and the street car line serving it is fairly well patronized throughout its length by students attending the public schools, the L. D. S. College, and the University of Utah. The lines of the applicant paralleling the South West Temple line are not readily accessible by the people living in this section, because of the very few streets opened as far as Main Street, and also of the somewhat hazardous traffic conditions that prevail in approaching

them. The territory served by the applicant's West Temple line will depend largely for the future growth, upon the street car service now being rendered it by the applicant, or by reason of the substitution of some other means of transportation not at the present time available.

From the foregoing findings the Commission concludes and decides that the application of the Utah Light & Traction Company to discontinue street car service on and remove its tracks and equipment from West Temple Street between Thirteenth and Twenty-first South Streets, all in Salt Lake City, Utah, should be granted, conditionally, however, that in lieu of said street car service automobile bus or trackless electric trolley service be rendered thereon by the applicant, of the same frequency and at the same fares to its patrons, as is now being charged for street car service.

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. 381

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 20th day of April, 1931.

<p>In the Matter of the Application of the UTAH LIGHT & TRACTION COM- PANY, for permission to discontinue street car service on and remove its tracks and equipment from West Temple Street between Thirteenth and Twenty-first South Streets, in Salt Lake City, Utah.</p>	}	Case No. 1208
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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 conclu-

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

IT IS ORDERED, That the application be, and it is hereby granted; that the Utah Light & Traction Company be, and it is hereby, authorized to discontinue street car service on and remove its tracks and equipment from West Temple Street from Thirteenth South to Twenty-first South Streets in Salt Lake City, Utah, and in lieu thereof to construct, maintain, and operate automobile bus or trackless electric trolley service of the same frequency and at the same fares to its patrons as is now being charged for street car service.

By the Commission.

(Signed) F. L. OSTLER

(Seal)

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 construct, maintain, and operate an automatic signal arrangement at intersection at grade of railroad of The Denver & Rio Grande Western Railroad Company with railroad of Los Angeles & Salt Lake Railroad Company at Lakota, Utah.

Case No. 1209

Submitted: April 20, 1931. Decided: April 24, 1931.

Appearances:

B. R. Howell, Attorney,	{	for Applicant, The Denver &
Salt Lake City, Utah,		Rio Grande Western RR. Co.
R. B. Porter, and J. T.	{	for Los Angeles & Salt Lake
Hammond, Jr., Attorneys,		Railroad Company.
Salt Lake City, Utah,		

REPORT AND ORDER OF THE COMMISSION

By the Commission:—

This is an application of The Denver & Rio Grande Western Railroad Company, for permission to construct, maintain, and operate interlocking automatic signalling devices for the protection of train movements over a railroad crossing at grade of the tracks of the applicant with the tracks of the Los Angeles & Salt Lake Railroad Company at Lakota, Utah.

The application was filed in accordance with Section 1239, Compiled Laws of Utah, 1917, as amended by the Legislature in 1931. This Section reads in part as follows:

"All locomotives with or without trains, before crossing the main tracks at grade of any other railroad, must come to a full stop at a distance not exceeding 400 feet from the crossing, and must not proceed until the way is known to be clear; * * * * provided, that whenever interlocking signal apparatus and derailling switches are adopted or any other crossing protective device approved by the Public Utilities Commission is maintained, such stop shall not be required * * * *."

The Commission finds that this crossing is located at D. & R. G. W. RR. Mile Post 705.70 and L. A. & S. L. RR. Mile Post 757.30; That there is unobstructed vision in each direction on both railroads of one and one-half miles, and that the gradient on both railroads is practically level.

That the proposed protective installation consists of two home and two distant signals on the line of each railroad, these signals being electrically operated in such a manner that the approach of a train on either railroad will automatically set the position of the distant signals on the other railroad at caution, and the home signals at stop; that the proposed signals are of the wayside, color light type, green indicating proceed, yellow caution, and red stop.

That the average number of trains operated over this crossing daily, is twenty on The Denver & Rio Grande Western Railroad, and eight on the Los Angeles & Salt Lake Railroad.

That the proposed plan represents standard railway signal practice throughout the country, the Union Pacific Lines having twelve crossings similarly protected with satisfactory results.

IT IS THEREFORE ORDERED, That the crossing protection plans, as shown on Exhibit B of The Denver & Rio Grande Western Railroad Company, attached to application, hereby referred to and made a part hereof, and as further developed by the record in this case, be and it is hereby, approved.

(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
UNION PACIFIC RAILROAD COM-
PANY, a Corporation, for permission to
discontinue the operation of its station at
Keetley, Utah, as an agency station. } Case No. 1210

Submitted: May 12th, 1931. Decided: June 2nd, 1931.

Appearances:

R. B. Porter, Attorney, } for Applicant, Union Pacific
Salt Lake City, Utah, } Railroad Company.

REPORT OF THE COMMISSION

By Commissioner Corfman:—

On the 21st day of March, 1931, the Union Pacific Railroad Company, a corporation, filed with the Public Utilities Commission of Utah its application to discontinue the operation of its station at Keetley, Utah, as an agency station, alleging as a reason therefore that said agency station is not paying the expense of maintenance and operation. No protests to the granting of the application were made or filed for, or in behalf of any interested party.

The matter came on regularly for hearing upon said application before the Commission at Park City, Utah, on the 12th day of May, 1931, after due notice given.

From admitted facts found from the record and files in the case, and from the evidence adduced for and in behalf of the applicant, The Union Pacific Railroad Company, the Commission finds:

1. That the Applicant, the Union Pacific Railroad Company, is a corporation organized and existing under and by virtue of the Laws of the State of Utah, having its principal place of business in Utah and corporate office in Salt Lake City, Utah.

2. That it is a "railroad corporation" and a common carrier of freight and passengers, and it is now engaged in operating a main line of steam railway in interstate and intrastate commerce within and through the State of Utah and other states.

That said railroad corporation is now, and for several years last past has been, operating a branch line of railroad from Echo, Utah, on its main line to Park City in Summit

County, Utah, upon which the town of Keetley is located, and that at all times heretofore it has employed an agent at said Keetley station for the purpose of transacting the business of its said railroad.

3. That the expense of maintaining and operating said station as an agency station at Keetley, Utah, is approximately \$2100.00 per annum; that during the year 1930 the expense of operating said station as an agency station was \$2087.62, the wages of the agent being \$1963.64; fuel, 69.03; stationery, \$38.44; other supplies, \$16.18.

4. That the town of Keetley has a population of approximately 75 people, the most of whom are mine employes at the nearby Park Utah Mine. That an agency was established at Keetley for the purpose of facilitating the movement of mine products and supplies. That said mine has ceased to operate and that there are practically no shipments made of ores or supplies in connection with said mine operations, at the present time. That no passenger tickets have been sold at Keetley since January 1st, 1931, and that less than carload shipments to and from Keetley since January 1st, 1931, have been negligible. That the only merchandising store at Keetley is owned and controlled in connection with the operations of the Park Utah Mine. That the Park Utah Mining Company, the owner of said mine, is willing to have said agency station closed. That Keetley is situated on the public highway between Park City and Heber City, Utah, and is rendered daily truck and passenger service by operators of automobiles over said highway, for hire. That Keetley is connected with Park City by telephone, and that all carload shipments to and out of Keetley over the branch line of railroad of the Applicant can be efficiently taken care of at Park City six miles distant, where an agency station is maintained by the Applicant. That the Applicant proposes to keep a section foreman at Keetley who will reside at the depot and will take charge of all local shipments in and out of Keetley; so that the same may be protected at the station from the elements and any danger through theft.

From the foregoing findings the Commission concludes and decides:

That the application of the Union Pacific Railroad Company herein to close its station as an agency station at Keetley, Utah, should be granted, upon the condition that the applicant shall keep a section foreman or some other employee

at said station for the purpose of protecting and caring for all local shipments to and out of said point.

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 2nd day of June, 1931.

In the Matter of the Application of the
UNION PACIFIC RAILROAD COM-
PANY, a Corporation, for permission to
discontinue the operation of its station at
Keetley, Utah, as an agency station. } Case No. 1210

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

IT IS ORDERED, That the application of the Union Pacific Railroad Company, a Corporation, for permission to discontinue the operation of its station at Keetley, Utah, as an agency station be, and it is hereby, granted, upon the condition that the applicant shall keep a section foreman or some other employee at said station for the purpose of protecting and caring for all local shipments to and out of said point.

By the Commission.

(Signed) F. L. OSTLER

(Seal)

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE
DENVER & RIO GRANDE WEST-
ERN RAILROAD COMPANY, for per-
mission to discontinue station agency at
Westwater, Utah. } Case No. 1211

Submitted: May 4, 1931. Decided: May 4, 1931.

Appearance:

B. R. Howell, Attorney, }
Salt Lake City, Utah, } for Applicant.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This case came on for hearing before the Public Utilities Commission on the 28th day of April, 1931, at Salt Lake City, Utah, after due notice given. No protests were entered against this application. From the record in this case, the Commission finds:

That Westwater station is located in Grand County, Utah, at railroad Mile Post 488.4, and has a population of thirty people, thirteen of which are railroad employes and their families; that the revenues from freight and passenger business at Westwater for the year 1930 amounted to \$1,050.73, and that the expense of conducting the station agency for the same year was \$2,298.51.

That the only industry in the vicinity of Westwater is sheep raising and that during the wool shipping season, the railroad company agrees that it will have a representative on the ground to supervise the loading and billing of such wool as may be offered. However, the total wool movement from Westwater has amounted to three cars only for the 1931 season.

From the record, the Commission finds that public convenience and necessity does not require that The Denver & Rio Grande Western Railroad Company should maintain a station agency at Westwater, Utah, and that permission to close same should be granted.

IT IS THEREFORE ORDERED, That the application herein, of The Denver & Rio Grande Western Railroad Company, for permission to discontinue its station agency at Westwater, Utah, be and it is hereby, granted.

(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

UTAH LAKE DISTRIBUTING COM- PANY, et al.,	} Case No. 1212
Complainants,	
vs.	
UTAH POWER & LIGHT COMPANY,	} Case No. 1212
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 and until October 31, 1931:

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, 1931.

By the Commission.

Dated at Salt Lake City, Utah, this 25th day of April, 1931.

(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 WEST- ERN RAILROAD COMPANY for per- mission to close its station agency at Sunnyside, Utah.	} Case No. 1213

Submitted: May 5th, 1931. Decided: June 5th, 1931.

Appearance:

B. R. Howell, Attorney,	} for Applicant, The Denver & Rio Grande Western Railroad Co.
Salt Lake City, Utah,	

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah on the 5th day of May, 1931, at Price, Utah, upon the application of The Denver & Rio Grande Western Railroad Company, for permission to close its agency station at Sunnyside, Utah. No protests were made 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:

1. That the applicant is a corporation of Delaware, duly authorized to transact business in Utah, and is an interstate common carrier of freight and passengers for hire, operating a line of steam railroad within and through the states of Utah, Colorado, and New Mexico, with numerous branch lines, among which is its Sunnyside Branch from Mounds, Utah, to Sunnyside, Utah, a distance of 17.2 miles, over which freight trains only are operated, starting from, and returning to Helper tri-weekly.

2. That the town of Sunnyside has a population of approximately 600 people, nearly all of whom are mine employes and their families. The houses all belong to the Utah Fuel Company, the owner of the mines, or were built with their permission. For a number of years the population has been getting less; at the present time 112 houses are occupied and 179 are vacant. The Arrow Auto Lines has a certificate from the Commission to haul passengers and freight, and makes daily trips to Sunnyside from Price via Helper.

3. That more than 95% of the total business now handled by applicant at its Sunnyside agency is carload business which can be handled at applicant's agency at Mounds, Utah, which is only 17.2 miles distant. That the business transacted other than carload business has been decreasing from year to year, and for the year 1930 was only \$2,013.53.

4. From applicant's Exhibit "E", signed Utah Fuel Company by W. D. Brennan, President, we quote:

"Sunnyside is primarily a coal mining camp, and the Utah Fuel Company is undoubtedly the largest shipper at that point. In 1920, according to the U. S. Census, Sunnyside had a population of 2072, which at the time of the 1930 U. S. Census, on account of the

shutting down of the coke ovens, had shrunk to 749. The estimated population at the present time is 585. Coal miners employed by this company and the families of such miners constitute approximately eighty percent of the population of Sunnyside."

"There is no doubt that the railroad transportation business of this company can be handled just as efficiently and as conveniently without a station agency at Sunnyside as with one, and we also believe that the discontinuance of the agency will not inconvenience the general public at Sunnyside. We have no objection to the discontinuance of the station agency at Sunnyside."

A resolution by the President and Board of Trustees of the town of Sunnyside, signed by Horace Naylor, President, and F. T. Jones, Town Clerk, stated that there was no objection on the part of the town government of Sunnyside to the closing of said station agency.

From the foregoing findings, the Commission concludes and decides:

That the application of The Denver & Rio Grande Western Railroad Company for permission to close its station Agency at Sunnyside, Utah, should be granted, upon the condition that said applicant shall keep a section foreman or some other employee at said station for the purpose of protecting and caring for all local shipments to and out of said point.

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 5th day of June, 1931.

In the Matter of the Application of THE
DENVER & RIO GRANDE WEST-
ERN RAILROAD COMPANY for per-
mission to close its station agency at
Sunnyside, Utah.

} Case No. 1213

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

IT IS ORDERED, That the application of The Denver & Rio Grande Western Railroad Company for permission to close its station agency at Sunnyside, Utah, be, and it is hereby, granted, upon the condition that the applicant shall keep a section foreman or some other employee at said station for the purpose of protecting and caring for all local shipments to and out of said point.

By the Commission.

(Signed) F. L. OSTLER
Secretary.

(Seal)

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of D. P. ABERCROMBIE, Receiver for SALT LAKE & UTAH RAILROAD COMPANY, for permission to discontinue certain trains between Salt Lake City and Payson, Utah, and between Salt Lake City and Magna, Utah, and to substitute buses therefor.	}	Case No. 1214
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Submitted: June 3, 1931. Decided: September 28, 1931

Appearances:

Frank A. Johnson, Attorney of the firm of Dey, Hopbaugh, Mark & Johnson, Salt Lake City, Utah,	}	for Applicant D. P. Abercrombie, Receiver for Salt Lake & Utah Railroad Co.
Dan B. Shields, Attorney, Salt Lake City, Utah,	}	for Protestant Howard J. Spencer.
J. W. Orton, Salt Lake City, Utah,	}	for Protestants Utah Central Truck Line and Utah Central Transfer Co.

REPORT OF THE COMMISSION

By the Commission:

Hearings in the above mentioned matter were held at Magna, Salt Lake County, Utah, on May 21, 1931, and at Provo, Utah County, Utah, on May 25, 1931.

The application sets forth that D. P. Abercrombie is the Receiver for the Salt Lake & Utah Railroad Company, a common carrier, operating a line of electric railroad between Salt Lake City and Payson, Utah, and intermediate points, with a branch line from Granger, Utah, to Magna, Utah. Applicant now operates sixteen passenger trains daily between Salt Lake City and Payson and twenty passenger trains daily between Salt Lake City and Magna, carrying in addition baggage, mail, and express. Applicant is running more trains than the public patronage will support and is desirous of discontinuing certain trains and substituting buses therefor. No protests were received relative to the proposed change between Salt Lake City and Payson, Utah.

Howard Spencer, operator of a bus line between Salt Lake City, Magna, and Tooele, Utah, under Certificate of Convenience and Necessity No. 349, protested the granting to the applicant of the right to operate buses between Magna and Salt Lake City.

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

That D. P. Abercrombie is the Receiver for the Salt Lake & Utah Railroad Company, a railroad corporation, and as such operates an electric railroad from Salt Lake City to Payson, Utah, a distance of sixty-six miles with a branch line from Granger to Magna, Utah, a distance of nine miles, Granger being a point on the main line five and eight-tenths miles south of Salt Lake City.

That the public interest requires that the applicant, as a rail carrier, continue to render all the service possible to the communities on the line of said railroad between Salt Lake City and Payson, and that the discontinuance of any of the existing trains would result in inconvenience to some portion of the travelling public.

That diminishing patronage together with the critical financial condition of the road requires that the cost of operation be kept at the lowest possible minimum.

That if permission is granted, applicant proposes to secure buses on a lease basis; so that no immediate capital expenditure will be required.

The proposed schedule contemplates the elimination of two trains daily southbound between Salt Lake City and Payson, two trains daily northbound between Payson and Provo, and one train daily northbound between Provo and Salt Lake City, Utah. In lieu of these trains it is proposed to operate

one bus daily in each direction between Salt Lake City and Payson.

The route proposed for said bus line is over U. S. Highway No. 91, a federal aid highway connecting Salt Lake City and Los Angeles. This highway does not parallel applicant's railroad between Salt Lake and Lehi, a distance of thirty miles, so that its proposed bus service would not be available to residents along this section of the railroad.

The Commission is not convinced that the proposed bus line will succeed financially, but inasmuch as the proposed plan will reduce the operating expense of the railroad, and at the same time offer somewhat of a substitute service to the public, we feel that the plan should have our tentative approval as to the main line between Salt Lake City and Payson.

We come now to the application to offer substitute service on the Magna branch. Protestant, Howard Spencer, operates four buses daily in each direction between Salt Lake City, Magna, and Tooele. The record shows that the average number of passengers availing themselves of this service does not, on the average, exceed one person in each direction daily.

It would certainly seem futile to offer any further transportation. We believe that the Salt Lake & Utah Railroad could effect economies by reducing the number of trains on the Magna branch without offering any substitute bus service. The public now has ten trains and four buses available between Magna and Salt Lake City in each direction.

Again referring to the application of the Salt Lake & Utah Railroad Company herein to discontinue certain trains between Salt Lake City and Payson, Utah, it should be kept in mind that the privilege of rendering that kind of service over United States Highway No. 91 has many times heretofore been sought for on the part of numerous transportation agencies as applicants, some of whom are already rendering a limited intrastate and an interstate passenger service over this highway of the highest type, and that such applicants have been universally denied by the Commission upon the theory that to grant the same might seriously interfere with the passenger rail service of the Salt Lake & Utah Railroad Company.

Indeed, in so recent cases as those passed upon by the Commission May 1st, 1930, wherein Pickwick Stage Lines, Inc. (Case No. 1117), Utah Parks Company (Case No. 1125), D. P. Abercrombie as Receiver for Salt Lake & Utah Railroad

Company (Case No. 1136), and Rio Grande Motor Way of Utah, Inc. (Case No. 1137) were seeking operating rights over United States Highway No. 91, between Salt Lake City and Payson, the Commission held that the granting of the right to operate automobile passenger stages over said highway No. 91 between Salt Lake City and Payson would seriously jeopardize the rail service of the Salt Lake & Utah Railroad Company, and would be inimical to the public good, and therefore denied all applicants, including the Salt Lake & Utah Railroad Company. The record in this case now before us and under consideration presents no new facts, and assigns no further reasons that would justify the granting at this time of a certificate of public convenience and necessity to the applicant Salt Lake & Utah Railroad Company. Time and time again in the numerous cases that have been presented before us by applicants seeking to render automobile passenger transportation in competition with the electric lines serving in the State of Utah, we have made findings and gone on record that such service would jeopardize the rails of the electric lines that are so much needed and appreciated as a great convenience by the public representing the territory in which they are respectively operating.

As pointed out, no good reasons have been assigned in the record of this case now before us why our findings in that regard were unsound and our former rulings should not still be adhered to. However, it is contended in this case that the taking off of certain trains now operated at a loss by the applicant Salt Lake & Utah Railroad Company and the substitution of automobile passenger service over the public highway therefor might possibly contribute to the net earnings of the applicant and thus be the means of adding to its revenue to such an extent as would enable it to continue its present passenger rail service without further diminution.

If such might be the results, the Commission believes that the applicant should at least have an opportunity of demonstrating for that which it contends, and that the applicant should be permitted to engage in the transportation of persons by automobile bus over the public highway between Salt Lake City and Payson, Utah, as proposed, for a period of one year, and until the further orders of the Commission, upon the express condition, however, that it makes a showing quarterly before the Commission that such operations are tending to preserve and not destroy its passenger rail service; that the Commission, meanwhile, should retain jurisdiction of this case for the purpose of considering and determining the results of said passenger automobile operations, and for deter-

mining what further order or orders should be made herein.

It should, therefore, be understood by the applicant that unless the results of its operations during said period clearly show that the same have contributed to the preservation of its passenger rail service, that all operating rights to render passenger service by automobile bus over United States Highway No. 91, between Salt Lake City and Payson, Utah, may be terminated; further, if it be shown that public convenience and necessity requires automobile service over said highway 91 between Salt Lake City and Payson, Utah, at the expiration of said period, full opportunity may be accorded any applicant seeking operating rights for a hearing before the Commission without prejudice by reason of the Commission's having herein granted to the Salt Lake & Utah Railroad Company the right to operate over said highway for the test period aforesaid.

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 & Necessity

No. 385

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 28th day of September, 1931.

In the Matter of the Application of D. P. ABERCROMBIE, Receiver for Salt Lake & Utah Railroad Company, for per- mission to discontinue certain trains be- tween Salt Lake City and Payson, Utah, and between Salt Lake City and Magna, Utah, and to substitute buses therefor.	}	Case No. 1214
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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 conclu-

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

IT IS ORDERED, That the application of D. P. Abercrombie, Receiver for Salt Lake & Utah Railroad Company for permission to discontinue certain trains between Salt Lake City and Magna, Utah, and to substitute buses therefor be, and it is hereby, granted insofar as discontinuing trains is concerned, but the right to substitute and render automobile bus service over the public highway between Magna and Salt Lake City, Utah, be, and the same is hereby, denied.

ORDERED FURTHER, That the application of D. P. Abercrombie, Receiver for Salt Lake & Utah Railroad Company, for permission to discontinue certain trains between Salt Lake City and Payson, Utah, be, and the same is hereby, granted.

ORDERED FURTHER, That the application of D. P. Abercrombie, Receiver for Salt Lake & Utah Railroad Company, for permission to substitute bus service over U. S. Highway No. 91, between Salt Lake City and Payson, Utah, in lieu of and as a substitute for the train service so discontinued, be granted conditionally. That is to say, that the Salt Lake & Utah Railroad Company be permitted to engage in the transportation of persons by automobile bus over U. S. public Highway No. 91 between Salt Lake City and Payson, Utah, for a test period of one year, and until the further orders of the Commission, and upon the express condition that it makes a showing quarterly before the Commission that such operations are tending to preserve and not destroy its passenger rail service.

ORDERED FURTHER, That the Commission, meanwhile, retain jurisdiction of this case for the purpose of considering and determining the results of said passenger automobile operations over U. S. Highway No. 91, and for the purpose of determining what further order or orders should be made herein, in conformity with the Commission's report, findings, and conclusions, all of which are hereby referred to and made a part hereof.

ORDERED FURTHER, That applicant, 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 bus lines.

By the Commission.

(Signed) F. L. OSTLER

(Seal)

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

<p>In the Matter of the Application of THE DENVER & RIO GRANDE WEST- ERN RAILROAD COMPANY, for per- mission to close its station agency at Colton, Utah.</p>	<p style="font-size: 3em;">}</p>	<p>Case No. 1215</p>
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Submitted: June 24, 1931. Decided: July 27, 1931.

Appearances:

<p>B. R. Howell, Attorney of Van Cott, Riter & Farns- worth, Salt Lake City, Clair M. Senior, Attorney, Salt Lake City,</p>	<p style="font-size: 3em;">}</p>	<p>for Applicant for Protestants.</p>
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REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 8th day of May, 1931, The Denver & Rio Grande Western Railroad Company filed in the office of the Public Utilities Commission of Utah its application to close and cease to operate its agency station at Colton, Utah. In said application it is represented that a very large percentage of the shipments to and from Colton consist of carload lots, which can be handled efficiently and conveniently at Soldier Summit, Utah, and that the remainder of the business transacted at Colton is insufficient to warrant the maintenance of an agency station at that point. Numerous protests were made to the granting of said application on the part of livestock shippers who represented that their interests required the assistance of a station agent at Colton in order that the handling of livestock for transportation at that point may be efficiently and conveniently conducted.

The matter came on regularly for hearing before the Commission after due notice given on the 15th day of May, 1931, at Colton, Utah. From the evidence for and in behalf of the respective parties, and from the record and files in the case, the Commission now finds:

That the applicant, The Denver & Rio Grande Western Railroad Company, is a railroad corporation duly organized and existing under and by virtue of the laws of the State of Delaware, and as such is engaged in the operation of a steam railroad, its main line extending from Denver, Colorado to Ogden, Utah;

That Colton, Utah, is one of its main line stations situated between Denver, Colorado and Ogden, Utah, about seven miles distant from Soldier Summit, Utah, where at the present time the applicant maintains an agency station; that the Town of Colton has but two stores engaged in merchandising, and one hotel; and that the entire population of Colton Precinct, in which the town is situated, is only fifty (50) people;

That Colton is one of the principal shipping points for livestock in the surrounding territory comprising a radius of approximately fifty miles; that within this territory, consisting largely of grazing lands, large numbers of sheep and cattle are ranged during the summer, which necessitates their transportation by rail during the spring season to the ranges for grazing and from the ranges in the fall to distant markets and winter ranges;

That the convenience of shippers during said seasons require the assistance of an agent in the handling of livestock to such an extent that the service of an agent is quite indispensable; that there is practically no traffic to and from Colton other than livestock;

That the cost of maintaining an agency station at Colton is approximately \$2,500.00 per annum;

That the needs and convenience of livestock shippers at a certain period during the spring while livestock is being transported by the applicant for ranging in the territory about Colton commences on or about April 15th, and ends on or about June 30th of each year; that the livestock shipments out of Colton during the fall season commence on or about September 1st and end on or about the 31st day of October of each year; and that during said periods public convenience and necessity require that an agency station be operated and maintained by the applicant.

IT IS THEREFORE ORDERED, That the application of The Denver & Rio Grande Western Railroad Company, for permission to close its agency station at Colton, be, and it is hereby, granted, provided, however, that the agency station be maintained and operated each year by the applicant, commencing April 15th and continuing to and including June

30th, also commencing September 1st and continuing to and including October 31st of each year.

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

(Seal) Commissioners.

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 permission to institute and operate automobile bus transportation service between the Fair Grounds in Salt Lake City and the Salt Lake Airport.</p>	}	Case No. 1216
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Submitted: May 15, 1931. Decided: May 16, 1931.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 15th day of May, 1931, the Utah Light & Traction Company, a corporation of the State of Utah, with its principal place of business in Salt Lake City, Salt Lake County, Utah, filed with the Public Utilities Commission its application for permission to operate automobile or gasoline bus service temporarily, on Sunday afternoons only, beginning Sunday, May 17, 1931, to connect with its street car line No. 18, at the Fair Grounds at 9th West and North Temple Streets in Salt Lake City, said bus line to run out along the public highway known as North Temple Street to the Salt Lake Airport, and to return over the same route to the Fair Grounds in Salt Lake City, and to connect at the Fair Grounds with the street cars operating on said line No. 18 at one-half hour intervals on Sunday afternoons between the hours of 1:00 P. M. and 6:00 P. M. The first outbound bus to leave the Fair Grounds for the Airport at approximately 1:00 P. M., and the last inbound bus to leave the Airport for the Fair Grounds at approximately 6:00 P. M. The fares to be charged for said transportation service on said bus line will be the same fares charged by applicant for transportation on its street railway system in Salt Lake City, in accordance with the tariffs now on file with and approved by the Commission, and transfers to be issued without additional charge, from the street car line No. 18 to the Air Port bus, and vice versa, in accordance with said tariff.

NOW THEREFORE, IT APPEARS, That public need and convenience will be subserved by the rendering of the service herein proposed by the applicant, because of the fact that a large number of people have heretofore been required to walk from the street car line No. 18 from its terminal at the Fair Grounds on 9th West and North Temple Streets, and that the proposed service will enable them to have convenient transportation service.

IT IS THEREFORE ORDERED, That the application herein, be and the same is hereby, granted, and that Automobile Permit No. 9, be and it is hereby, issued to the Utah Light & Traction Company, authorizing it to operate the automobile bus line as proposed herein, between the Fair Grounds at 9th West and North Temple Streets, and the Salt Lake Airport.

(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 UTAH LIGHT & TRACTION COM- PANY, for permission to institute and operate automobile bus transportation service between the Fair Grounds in Salt Lake City and the Salt Lake Airport.	}	Case No. 1216
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CANCELLATION ORDER

By the Commission:

On May 16, 1931, the Public Utilities Commission of Utah issued Automobile Permit No. 9 to the Utah Light & Traction Company, authorizing it to operate an automobile bus transportation service between the Fair Grounds in Salt Lake City and the Salt Lake Airport, between certain hours on Sunday afternoons.

It now appears that the patronage of this said bus service has been insufficient to warrant the further continuance of same.

IT IS THEREFORE ORDERED, That Automobile Permit No. 9, issued to the Utah Light & Traction Company,

be, and it is hereby cancelled and annulled, and that the said Utah Light & Traction Company be permitted to discontinue the Sunday afternoon bus service between the Fair Grounds and the Salt Lake Airport.

Dated at Salt Lake City, Utah, this 7th day of July, 1931.

(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 LOS ANGELES & SALT LAKE RAIL- ROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at St. John, Utah, as an agency station.	}	Case No. 1217
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Submitted: September 22, 1931. Decided: December 12, 1931

Appearances:

L. H. Anderson, Attorney	{	for Applicant, Los Angeles & of Salt Lake City, Utah,	{	Salt Lake Railroad Co.
Lincoln A. Stookey of	{	for Himself and other patrons Clover, Utah,	{	of the applicant.

REPORT AND ORDER OF THE COMMISSION

CORFMAN, Commissioner:

On the 18th day of May, 1931, the Los Angeles & Salt Lake Railroad Company filed with the Public Utilities Commission of Utah its application for permission to discontinue the operation of its station at St. John, Utah, as an agency station, claiming the revenues derived from the business transacted at said station are not sufficient to justify the expenses incurred by the applicant in rendering agency service. The granting of said application was opposed by numerous patrons of the applicant residing at St. John and at other points tributary to said station, upon the grounds that public convenience and necessity requires the maintenance of an agency station, and that its abandonment would seriously discommode and

inconvenience many shippers now patronizing the railroad of the applicant. The matter came on regularly for hearing before the Commission at St. John, Utah, after due notice given, on the 22nd day of September, 1931. From the evidence adduced for and in behalf of the applicant and by witnesses opposing said application, the Commission finds:

1. That the applicant, Los Angeles & Salt Lake Railroad Company, is a "railroad corporation" organized and existing under and by virtue of the laws of the State of Utah, having its principal place of business and corporate office at Salt Lake City, Utah; that it is a common carrier of freight and passengers and is now and for many years last past has been operating a main line of railroad in interstate and intrastate commerce extending from Salt Lake City through Utah, and on to Los Angeles, California. It is a part of the Union Pacific System, consisting of the Union Pacific Railroad, Oregon Short Line Railroad, Oregon Washington Railroad & Navigation Company, St. Joseph and Grand Island Railway, and the applicant's railroad.

2. That St. John is a station on the main line of the applicant, rendering service to the town of St. John and other small communities established in the territory served by, and through which said main line extends in the State of Utah; that the town of St. John is approximately four miles distant from said station, and has a population of about 150 people; that the territory tributary to St. John station is sparsely settled and devoted mainly to agricultural pursuits, including the ranging and growing of livestock, the range lands tributary extending back in some directions a distance of 50 miles; that St. John station is also a junction point with the St. John & Ophir Railroad, a line of railroad owned by St. John & Ophir Railroad Company, extending from St. John to what is known as Ophir Mining District, approximately $81\frac{1}{2}$ miles away; that said St. John & Ophir Railroad has not been operated since in November, 1928, for the reason that the mines in said district had then practically ceased developments and the production of ores; that at the present time, however, some of the mines in said district are being further developed with the view of making them productive.

3. That it is proposed by the applicant that if St. John be discontinued as an agency station, said station will in the future be maintained as a non-agency station for the accommodation of shippers and the travelling public; that the waiting room at the depot will be kept open for the accommodation of its patrons, and properly heated during inclement

weather; that less than carload freight for delivery to patrons will be taken by its train crew and placed in the warehouse under lock and key until called for by the consignees, the key to be left in charge of a section man residing nearby; that carload lots outbound will be picked up at the station as heretofore, and the proper billing may be made through the agent at the next or nearest agency station; and inbound carload lots left at the station for the consignees as usual.

4. That the nearest agency station from St. John now available for west bound traffic is Faust, 12.8 miles away, the abandonment of which is also being sought in another proceeding by the applicant; eastbound Stockton, 9.2 miles away; that telephone service between St. John station and these points would depend upon the use of the applicant's private train dispatching telephone line, there being no public telephone service rendered between St. John station and these stations.

5. That revenue accruing to and received by the applicant from its station at St. John for the year 1930 was as follows:

Less carload freight forwarded and received	\$ 424.00
Carload freight forwarded and received	14,424.00
Passenger revenue	309.06
Western Union Telegraph Service	11.98
Demurrage, etc.	244.80
Total.....	<u>\$15,813.84</u>

For the first eight months of 1931 the revenue accruing and received by the applicant at St. John station was as follows:

Less carload freight forwarded and received	\$ 130.00
Carload freight forwarded and received	6,713.00
Passenger revenue	147.43
Western Union Telegraph Service	5.40
Demurrage, etc.	192.16
Total.....	<u>\$ 7,187.99</u>

6. For the above named periods of time the expenses of maintaining the applicant's station at St. John were as follows:

For the year 1930, for wages	\$2,021.14
For stationery	26.31
For coal	45.28
Miscellaneous station supplies	29.25
Maintenance charges	215.33

Total.....\$2,337.31

For the first 8 months of 1931, for wages.....	\$1,300.90
For stationery	11.41
For miscellaneous station supplies50
For maintenance charges	5.12

Total.....\$1,317.93

7. That the total revenue accruing to and received by the applicant from its St. John station for the year 1930 and for the first eight months of 1931 amounted to the sum of \$23,001.82, and for the same periods combined the expenses of maintaining said station amounted to \$3,655.24, leaving a net balance of operating revenues received over operating expenses of \$19,346.58.

8. That the cost to the applicant for labor or services of an agent alone at St. John station for said periods of time amounted to \$2,031.14 in 1930, and to \$1,300.90 for the first eight months of 1931. That the operating revenue derived from the applicant's entire railroad for the year 1930 amounted to approximately \$23,000,000.00, and for the same year the station expenses for the entire railroad were approximately \$832,000.00, the ratio of station expenses to revenues for the system being 3.65 per cent.

9. Carload shipments, both those forwarded and received at St. John station consist largely of movements of livestock between summer and winter ranges and to markets; the number of shipments vary according to the seasons and the marketing conditions of each year; in the years 1929, 1930, and for the first eight months of 1931, carload lots moved as follows:

	1929	1930	1931
January	1	7	3
February		22	1
March	16	1	
April		74	27
May	107	53	99
June	8	9	
July	2		1

	1929	1930	1931
August	3	1	4
September	9	14	
October	27	50	
November	70	101	
December	35	4	

The foregoing findings present the more salient facts presented by the respective parties interested in the question of whether or not St. John station should be discontinued in whole or part as an agency station. However, in the discussion which follows we shall not only advert to findings already made in this report, but shall also refer to other facts produced for the record, which, as we believe, should be kept in mind, in seeking to arrive at a proper conclusion and determination as to whether or not the application herein should be granted.

It has been shown by the applicant that the business revenues that should have been earned by St. John station in 1930 and the first eight months of 1931, in order for it to have sustained its proportion of the costs of maintaining the station system of applicant's railroad should have been approximately \$60,000.00 yearly. It is therefore contended by the applicant that because of the failure of St. John station to earn that which the applicant deems to be its just proportion of station revenue, \$60,000.00, the services of an agent should be dispensed with, more especially when as here, it offers to render its patrons the best service possible in the absence of a station agent. We are cited to the following cases in support of the contention made by the applicant that it may not be required to render agency service by reason of the fact that the station has not been earning as much as \$60,000.00 each year:

Louisiana Ry. & Navigation Co. vs. Railroad Commission (La.) 83 So. 849.

Denton Brothers vs. A. T. & S. F. Ry. Co. (N. M.) 277 Pac. 34.

Oregon Short Line Railroad Co. vs. Public Utilities Commission of Idaho. 276 Pac. 970.

Brooks—Scanlon Co. vs. Railroad Commission. 251 U. S. 396.

In re. Los Angeles & Salt Lake Railroad to close agency station at Silver City, Utah. Vol. 12 P. U. C. Utah Report, pages 150-154.

We have given the cases cited by the applicant our care-

ful consideration. None of them attempt to lay down a hard and fast rule to be followed in all cases. It may well be that the benefits derived in a particular case from the maintenance of an agency station are not at all commensurate to the cost of its maintenance as such when viewed in the light of surrounding circumstances and conditions, and its discontinuance therefore might be fully justified. However, the mere fact of its failure to always earn revenue is not to be considered the controlling factor. The earnings of an agency station may be comparatively slight and yet in the interest of its patrons and the general public its maintenance still required. It is always a question of what is proper public service, viewed in the light of attending conditions and circumstances.

In *Gotting vs. Godard* (decided in 1901) 183 U. S. 79, 46 L. Ed. 92, 22 Sup. Ct. Rep. 30, the Supreme Court of the United States, in defining the duty of a public service corporation, and attending obligations of a person undertaking a public service which the state might perform, said:

“* * * he expresses his willingness to do the work of the state, aware that the state in the discharge of its public duties is not guided by a question of profit. It may rightfully determine that the particular service is of such importance to the public that it may be conducted at a pecuniary loss, having in view a larger general interest. At any rate, it does not perform its services with a single idea of profit. Its thought is the general public welfare. If, in such a case, an individual is willing to undertake the work of the state, may it not be urged that he, in a measure, subjects himself to the same rules of action, and that, if the body which expresses the judgment of the state believes that the particular service should be rendered without profit, he is not at liberty to complain?”

Subdivision 2 of Section 4783, Chapter 3, Compiled Laws of Utah, provides:

“Every public utility shall furnish and provide and maintain such service, * * * as shall promote the safety, health, comfort, and convenience of its patrons, employes, and the public, and as shall be in all respects adequate, efficient, just, and reasonable.”

Section 4789 of the same chapter as above, among other things provides:

“No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant

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

Insofar as we have any knowledge, no regulatory body such as ours, has ever under similar laws considered the average earnings of the carrier as the sole basis or controlling factor in determining a regulatory matter of the same or similar nature as here involved.

The Interstate Commerce Commission, speaking of the impropriety of using average earnings as a basis in a rate case, said:

"In our view, livestock is not a class of traffic upon which a rate level should be maintained which will compensate for the loss or lack of adequate or average earnings on passenger traffic or any other class of traffic." I. C. C. Docket 17,000—9 Report.

The State Commissions, it would seem, in passing upon the question of discontinuance of agency stations, or other public service, have in their rulings quite generally denied the right to discontinue where showing is made that the public would be seriously inconvenienced thereby, even though in some cases the revenues derived were not proving commensurate to the expense incurred in maintaining the service. Re United States Railroad Administration Delaware & Hudson Railroad P. U. R. 1919-E, Page 555 (New York). Re United States Railroad Administration, Central New England Railway P. U. R. 1921 E—Page 731 (New York). Re Long Island Railroad Company, P. U. R. 1929 C—Page 129 (New York). Re Oregon Washington Railroad & Navigation Company, P. U. R. 1927 E, Page 194 (Oregon). Re Wabash Railway Company P. U. R. 1928 D, Page 387 (Missouri). Citizens of Jefferson vs. Boston & Maine Railroad, P. U. R. 1925 D, Page 590 (N. H.) Re Detroit, Toledo & Ironton Railroad Company, P. U. R. 1929 C, Page 526 (Ohio). New York Central RR., P. U. R. 1921 A-349.

However, be that as it may, in the instant case it is not shown that the business transacted at St. John station in recent time has not been in and of itself reasonably compensatory to the applicant, but to the contrary, the record here shows that after paying for the service of an agent and all

operating costs, there has remained to applicant's credit substantial earnings. That being true, it would seem no good reason is to be assigned for the abandonment of St. John as an agency station when an agent's service is required for the convenience of the public, more especially in view of the testimony of experienced stockmen and patrons of applicant's railroad to the effect that they would thereby be subjected not only to great inconveniences, but also in some instances to heavy financial losses, if left without the services of an agent, while arranging for shipments of livestock.

The Silver City case, *supra*, cited and relied upon by the applicant is not at all comparable to the case now presented for our consideration. In the Silver City case, it was shown that the great bulk of the traffic handled by the applicant consisted of shipments of mine products and supplies that could quite conveniently and without deterioration or any financial loss to shippers be handled without the aid of an agent.

In the instant case, as pointed out, livestock is the principal freight handled at St. John station, and from it applicant receives substantial revenue. The livestock is destined to or gathered from, as the case may be, vast areas of range land, where facilities for travel and communication are not afforded. The owners of the stock must give the same their constant care and attention upon its arrival at St. John station, and they have no time to spend in hunting up a section man, who may be miles away, in order to get the proper information for facilitating shipments outbound or in receiving them inbound.

Under all the circumstances and conditions at the present time, attending St. John station as a shipping point, we can arrive at no other conclusion than that the public convenience and necessity requires that it should be continued as an agency station, and therefore, the application herein to discontinue, should be denied.

IT IS THEREFORE ORDERED, That the application herein, of the Los Angeles & Salt Lake Railroad Company, for permission to discontinue the operation of its station at St. John, Utah, as an agency station, be, and the same is hereby, denied.

(Signed) E. E. CORFMAN

We concur:

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 LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Juab, Utah, as an agency station.	}	Case No. 1218
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Submitted: October 26, 1931. Decided: December 31, 1931.

Appearances:

Mr. L. H. Anderson, Attorney of Salt Lake City, Utah,	{	for Applicant, Los Angeles & Salt Lake Railroad Co.
Mr. J. O. Taylor of Levan, Utah,	{	for Himself and other citizens of Levan, Utah.

REPORT OF THE COMMISSION

CORFMAN, Commissioner:

On the 18th day of May, 1931, the Los Angeles & Salt Lake Railroad Company filed with the Public Utilities Commission of Utah an application for permission to discontinue the operation of its station at Juab, Utah, as an agency station. The granting of said application was opposed by numerous merchants and business men residing at Levan, Utah, upon the ground that public convenience and necessity required that the applicant should continue to operate said station as an agency station. The matter came on regularly for hearing before the Commission at Levan, Utah, after due notice given, on the 2nd day of October, 1931.

From the evidence adduced for and in behalf of the applicant and by interested witnesses opposing said application, the Commission finds:

1. That the applicant, Los Angeles & Salt Lake Railroad Company, is a "railroad corporation" duly organized and existing under the Laws of the State of Utah, having its principal place of business or corporate office at 10 South Main Street, Salt Lake City, Utah; that it is a common carrier of freight and passengers, and is now, and for many years last past has been, engaged in operating a steam line of railroad in interstate and intrastate commerce within and through the State of Utah and other states; that its main line of railroad extends from Salt Lake City, Utah, to Los Angeles, Cali-

fornia; that in its main line operations it has at all times maintained an agency station at Juab, Juab County, Utah, for the purpose of transacting its railroad business at said point.

2. That the expense of operating said Juab station as an agency station is approximately \$2,100.00 per annum.

3. That the applicant, Los Angeles & Salt Lake Railroad Company, is a part of the Union Pacific System, and the system revenue accruing separately for freight traffic forwarded from and received at the applicant's Juab station for the years 1929, 1930, and the first eight months of 1931 was, in even dollars, as follows:

For the year 1929, \$12,309.00; for the year 1930, \$11,763; and for the first eight months of 1931, \$930.00.

That for the same years the system revenue on less-than-carload lots received and forwarded at Juab station was as follows:

For the year 1929, \$1,413.00; for the year 1930, \$496.00; and for the first eight months of 1931, \$199.00.

4. That Juab station is maintained by the applicant for the accommodation and convenience of neighboring territory; that there is but one family residing at Juab besides the employees of the applicant; that the immediate territory tributary to Juab has a population of approximately 1,650 people, engaged principally in agricultural pursuits; that the town of Levan with a population of approximately 600 people is situated about six miles distant from Juab and is dependent upon and uses Juab station largely as a shipping point; that the town of Nephi, where the applicant maintains an agency station, is about eleven miles distant from Levan, and Nephi, Juab, and Levan are connected by telephone lines rendering dependable public telephone service; that these points are also connected by well maintained public highways; that the territory in and about Juab station is also served by automobile trucks operating over the highways that render transportation service to shippers desiring to make shipments in less-than-carload lots.

5. That the system passenger revenue accruing at Juab station for the years 1929, 1930, and the first eight months of 1931 was as follows:

For the year 1929, \$194.19; for the year 1930, \$103.54; and for the first eight months of 1931, \$54.94.

That for the same years the applicant received as Western Union Telegraph revenue as follows:

For the year 1929, \$21.59; for the year 1930, \$16.74; and for the first eight months of 1931, \$17.95.

That the applicant also received miscellaneous revenues during these years as follows:

For bedding and sanding stock cars for the year 1929, \$5.00; for the year 1930, \$27.50; and for the first eight months of 1931, \$16.50; on shipments of milk out of Juab station in 1929, \$891.18; in 1930, \$192.95; and during the first eight months of 1931, \$103.91; For demurrage in 1929, \$135.00; in 1930, \$447.00; and during the first eight months of 1931, none; for storage in 1929, \$12.23; in 1930, \$15.54; and during the first eight months of 1931, \$8.10; for charges on baggage in 1929, \$1.20; in 1930, \$6.68; and during the first eight months of 1931, none.

6. That the territory tributary to Juab is devoted largely to the growing of wheat, and wheat is the principal commodity shipped from Juab station; that the wheat is usually handled in carload lots by distant markets sending representatives into the territory who purchase and handle the wheat, there being very few producers in the territory making shipments direct to the markets.

From the foregoing findings it would seem that any agency service required in the handling of carload shipments of property in and out of the territory tributary to Juab station in a very great measure can be under existing conditions and circumstances quite as conveniently handled by the agency station in Nephi as at Juab. At the present time the people in that territory tributary to Juab are making use of other forms of transportation to such an extent with respect to less-than-carload shipments that there is very little need for agency service at Juab station with respect to them, and that shippers in general will suffer no serious inconvenience or hardship by having to depend upon Nephi rather than Juab station for agency service.

However, we think that the applicant should be required under all the circumstances and conditions attending Juab station to make arrangements for delivering as well as receiving less-than-carload shipments, few as they are, at Juab station in some manner that will protect them against the elements or theft, and that can readily be done by placing the warehouse at Juab in the custody of some employee or responsible party charged with that duty.

Upon the findings made, and for the reasons stated, we think the application of the Los Angeles & Salt Lake Rail-

road Company to discontinue its Juab station and as agency station should be granted.

An appropriate order will follow:

(Signed) E. E. CORFMAN

We concur:

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 31st day of December, 1931.

<p>In the Matter of the Application of the LOS ANGELES & SALT LAKE RAIL- ROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Juab, Utah, as an agency station.</p>	}	Case No. 1218.
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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 of the Los Angeles & Salt Lake Railroad Company, a Corporation, for permission to discontinue the operation of its station at Juab, Utah, as an agency station be, and the same is hereby, granted; provided, however, that the applicant shall continue to keep and maintain its station house or ware room at Juab in charge of a custodian for the purpose of receiving inbound shipments of freight in less-than-carload lots and delivering the same to consignees so that the same will be protected from the elements and against loss by theft; provided further, that outbound shipments of less-than-carload lots of freight shall be received by said custodian at the hands of shippers until placed in the hands of train crews for shipment;

ORDERED FURTHER, That the train crews operating over the applicant's line to Juab and applicant's agency station

at Nephi, Utah, shall exercise due care in handling carload lots destined to and from Juab; so that the same may be handled without serious inconvenience to shippers and the consignees thereof.

By the Commission:

(Signed) F. L. OSTLER

(Seal)

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAIL- ROAD COMPANY, a corporation, for permission to discontinue the operation of its station at Faust, Utah, as an agency station.	}	Case No. 1219
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Submitted: October 13, 1931. Decided: December 21, 1931.

Appearance:

L. H. Anderson, Attorney	}	for Applicant, Los Angeles & of Salt Lake City, Utah, }	Salt Lake Railroad Company.
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REPORT AND ORDER OF THE COMMISSION

CORFMAN, Commissioner:

On the 18th day of May, 1931, the Los Angeles & Salt Lake Railroad Company filed with the Public Utilities Commission of Utah its application for permission to close and discontinue the operation of its station at Faust, Utah, as an agency station, claiming that the business and the revenue derived therefrom is now, and has been for some time past, insufficient to justify the expense incurred by the applicant in rendering agency service. The granting of the application was opposed by numerous patrons of the applicant residing in the territory tributary to Faust station upon the grounds that public convenience and necessity requires the maintenance of an agency station at that point, and that its abandonment would greatly discommode and inconvenience shippers now patronizing the applicant's railroad.

The matter came on regularly for hearing before the Commission at Faust, Utah, after due notice given, on the 22nd day of September, 1931. From the evidence adduced for and in behalf of the applicant and by witnesses opposing said application, the Commission finds:

1. That the applicant, the Los Angeles & Salt Lake Railroad Company, is a "railroad corporation" 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; that it is a common carrier of freight and passengers, and is now, and for many years last past has been, operating a main line of railroad in interstate and intrastate commerce between Salt Lake City, Utah, and Los Angeles, California; that it is a part of the Union Pacific System, consisting of the Union Pacific Railroad, Oregon Short Line Railroad, Oregon Washington Railroad and Navigation Company, St. Joseph and Grand Island Railway, and the applicant's railroad.

2. That Faust station is a shipping point maintained on the main line of the applicant, rendering service to large areas of range land used for the growing of livestock and to small communities engaged in agricultural pursuits through which its main line passes in the State of Utah; that it also renders agency service to the shipping point or station known as Dunbar, 9.2 miles westerly from Faust on the main line of the applicant; that the shipments out of Dunbar consist largely of potatoes, alfalfa seed, ores, calcite, clay, manganese, wheat, and lime; that westerly from Faust the nearest agency station is Tintic 25 miles away, and easterly St. John 12.8 miles away; that the territory tributary to Faust and depending upon Faust for agency service has a population of about 340 people; that there is no public telephone service between Faust and Tintic nor between Faust and St. John.

3. That the applicant proposes, in the event Faust is discontinued as an agency station, to continue to maintain it as a non-agency station for the accommodation of shippers and the travelling public; that the waiting room at the depot will be left open for the accommodation of its patrons, and will be kept properly heated during inclement weather; that both carload and less than carload shipments will be received at Faust and billings made by the aid of the train crews and the nearest agency stations; that inbound shipments of freight in less than carload lots will be handled by placing same under lock and key in the warehouse to be delivered to the consignees by a section foreman or some other employee of the applicant residing at Faust; that carload shipments will be delivered to the consignees in the usual way; that the use of the applicant's train dispatching telephone line will be available to its patrons for securing shipping information from agency stations.

4. That revenue accruing to and received by the applicant from its station at Faust for the year 1929 was as follows:

Less than carload freight forwarded and received	\$ 587.00
Carload freight forwarded	11,681.00
Carload freight received	1,714.00
Passenger revenue	262.77
Western Union revenue (including West- ern Union Tele. Co's. proportion)	45.83
Miscellaneous revenue	366.50

Total Revenue for 1929.....\$14,657.10

The revenue accruing for the year 1930 was:

Less than carload freight forwarded and received	\$ 255.00
Carload freight forwarded	4,149.00
Carload freight received	1,020.00
Passenger revenue	172.95
Western Union revenue (including West- ern Union Tele. Co's. proportion)	46.03
Miscellaneous	130.63

Total Revenue for 1930.....\$ 5,773.61

The revenue accruing for the first 8 months of 1931 was:

Less than carload freight forwarded and received	\$ 91.00
Carload freight forwarded	1,971.00
Carload freight received	22.00
Passenger revenue	58.10
Western Union revenue (including West- ern Union Tele. Co's. proportion)	31.12
Miscellaneous revenue	47.50

Total revenue for first
eight months of 1931\$ 2,220.72

5. That the total cost to applicant of maintaining and operating Faust as a station for the year 1929 was \$2,852.53, for 1930 \$2,456.70, and for the first eight months of 1931 \$1,349.93.

6. That the total revenue accruing from all sources to Faust station for the years 1929, 1930, and the first eight months of 1931 amounted to \$22,651.43, and the expenses of maintaining the station for the same period of time amounted to \$6,659.16, leaving the applicant a net balance for the period in favor of operating revenues of \$15,992.27.

7. That the cost to applicant properly chargeable for keeping an agent at Faust for the years 1929, 1930, and 1931

amounted to \$6,028.90, and for stationery \$113.12, said expenses being directly and properly chargeable to maintaining Faust as an agency station; that other expenses, including coal, miscellaneous station supplies, and maintenance charges, not properly attributable to the cost of maintaining Faust as an agency station amounted to the sum of \$518.14 for the same period.

8. The operating revenues of applicant's entire railroad during the year 1930 were approximately \$23,000,000.00, and the station expenses for the same period amounted to approximately \$832,000.00.

The evidence in this case shows quite conclusively that while the revenues accruing to and received by the applicant at Faust are not large, under existing conditions and circumstances, nevertheless, there is great public need for the services of an agent there, more especially in view of the fact that the station at Dunbar is also dependent upon Faust for its agency service. The instant case is somewhat analogous to the St. John case in which we but recently rendered a report and order denying the applicant the right to discontinue its agency service. What we said in the St. John case with respect to the duty of a railroad in affording service to its patrons, we think in a very great measure applies here.

We have denied similar applications to discontinue station agency service at Goshen in Utah County, at Collinston in Box Elder County, and at Colton in Utah County, where satisfactory showings were made that the discontinuance work a great hardship upon the patrons of the railroads. Re. The Denver & Rio Grande Western Railroad Company to close agency station at Goshen, Utah, (Case No. 986) P. U. C. U. Reports Vol. 10, P. 266. Re. Oregon Short Line Railroad Company to discontinue agency station at Collinston, Utah, P. U. C. U. Case No. 1199 (Not yet reported). Re. The Denver & Rio Grande Western Railroad Company to discontinue agency at Colton, Utah, P. U. C. U. Case No. 1215 (Not yet reported).

Undoubtedly this application is made owing to the present economic conditions and the material decline of the traffic originating at Faust in recent years, matters that have been beyond the control of either the applicant or its patrons.

It is to be doubted if the discontinuance of the needed agency service at Faust would effect a saving or bring any material relief to the applicant in view of the statement made by a number of witnesses that patrons of the railroad, in the absence of agency service, would be driven to the use of other

forms of transportation. With other transportation facilities available it is not to be expected that shippers would spend very much of their time waiting for applicant's freight train crew, nor in hunting up section foremen in order to make satisfactory shipping arrangements, if such could at all be correctly made without the services of an agent. The falling off of business at Faust, we think, is readily accounted for by reason of the severe drouth conditions that have recently prevailed in the territory tributary to it, and the low market prices of its products produced for shipment. The immediate future gives promise of material improvement in both of these now unfortunate conditions.

Upon the showing made and for reasons stated, we think the application herein to discontinue agency service at Faust station should be denied.

IT IS THEREFORE ORDERED, That the application herein of the Los Angeles & Salt Lake Railroad Company for permission to discontinue the operation of its station at Faust, Utah, as an agency station be, and the same is hereby, denied.

(Signed) E. E. CORFMAN

We concur:

THOS. E. McKAY

G. F. McGONAGLE

Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

CLAUDE ASHER, doing business as
STEEL BODY WORKS, W. C. CO-
MES, doing business as the STATE
RADIATOR & WELDING CO., S. E.
HILL, doing business as the HILL
WELDING & RADIATOR CO., and J.
W. BOWERBANK, doing business as
the WESTERN AUTO RADIATOR
CO.,

Complainants,

vs.

UTAH GAS & COKE COMPANY, a Cor-
poration,

Defendant.

Case No. 1221

ORDER

By the Commission:

On February 6, 1931, complaint was filed by Claude Asher, et al., vs. Utah Gas & Coke Company. This case was set for hearing several times, and was postponed upon filing of stipulations with the Commission which were signed by attorneys for interested parties. The case was finally set for October 21, 1931, at 10:00 A. M. at the office of the Commission. On October 19th, Mr. Beck, one of the attorneys for the complainants, made telephonic request for permission to further postpone the hearing, and was informed that if he would secure a stipulation signed by attorneys for interested parties and file with the Commission, action would be taken by the Commission. On October 21, 1931, at 10:00 A. M. Mr. W. W. Ray and Mr. J. D. Roberts, representing the defendant, appeared at the office of the Commission to present evidence and testimony, and when informed of the request to further postpone the hearing, stated that they had received no information or knowledge of this from either the complainants or their attorneys. No stipulation requesting postponement of the hearing was filed with the Commission.

IT IS THEREFORE ORDERED, That the complaint herein of Claude Asher, et al., vs. Utah Gas & Coke Company, be and it is hereby, dismissed without prejudice, for want of prosecution.

Dated at Salt Lake City, Utah, this 29th day of October, 1931.

(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 ORVIS J. CALL and RAFAEL K. HUGHES, for permission to operate automobiles for hire over the public highways of the State of Utah.</p>	}	Case No. 1222
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Submitted: October 6, 1931. Decided: November 9, 1931

REPORT AND ORDER OF THE COMMISSION

By the Commission:

Be it remembered, that on Tuesday, the 6th day of October, 1931, at 4:00 o'clock P. M. of said day, the above entitled matter came on for hearing before the Public Utilities Commission of Utah, at Fillmore, Utah, Commissioners Corfman and McKay being present.

Whereupon, the following proceedings were had:

Commissioner Corfman: Case No. 1222. This matter having been duly called for hearing before the Commission, sitting at Fillmore, Utah, on the 6th day of October, 1931, at 4:00 P. M., and, after due notice given to the applicants, and the applicants having failed to appear to present any evidence in support of their application,

IT IS NOW HEREBY ORDERED, That said application be, and the same is hereby dismissed without prejudice, by order of the Commission.

Dated at Salt Lake City, Utah, this 9th day of November, 1931.

(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 UTAH POWER & LIGHT COMPANY and STRAWBERRY WATER USERS AS- SOCIATION, for approval of Inter- change Power Agreement.	}	Case No. 1223
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Submitted: August 12, 1931. Decided: September 2, 1931

Appearances:

A. C. Inman, Attorney, of	{	for Applicant Utah Power &
Salt Lake City, Utah,		Light Company.
R. A. Porter, Attorney, of	{	for Applicant Strawberry
Payson, Utah,		Water Users Association.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing, after due notice given, before the Public Utilities Commission of Utah, at its office in the State Capitol Building, Salt Lake City, Utah, on the 28th day of July, 1931, upon the application of the Utah Power and Light Company and Strawberry Water Users Association for an Order approving an agreement between the parties for the interchange of power.

From the records and files in the case, and from the evidence adduced in behalf of the applicants, it appears:

That the Utah Power and Light Company is an "electrical corporation" organized and existing under the laws of the State of Maine, and that it is at the present time lawfully doing business in the State of Utah as a foreign corporation.

That the Strawberry Water Users Association is a corporation duly organized and existing under and by virtue of the laws of the State of Utah, and that it is at the present time, among other things, engaged in the business of generating electrical power and selling the same to certain customers near, and in the vicinity of, Spanish Fork, Utah County, Utah; that at certain times its output of electrical energy is in excess of the needs of the said association and its customers, and at other times of seasons said output is insufficient to supply the needs of its customers without drawing upon storage water primarily held for serving its members with water for the irrigation of their lands.

That the applicant, Utah Power and Light Company, in the conducting of its business in the State of Utah and elsewhere as an electrical corporation, can advantageously receive the excess power generated by the Strawberry Water Users Association and can at other times supply said association with power when it is in need of the same for the serving of its customers, without drawing on storage water held and controlled by it for irrigation purposes.

That the exchange of power by the applicants in accordance with the terms and conditions of a certain contract made and entered into between the parties on the 13th day of May, 1931, a copy of which is marked "Exhibit A" herein, will be to their mutual advantage and for the benefit of their customers, respectively; that the said agreement is hereby referred to and made a part of these findings. Now, therefore, by reason of the premises and findings aforesaid:

IT IS HEREBY ORDERED, That the certain agreement herein referred to as applicant's "Exhibit A," made and entered into by and between Utah Power and Light Company and Strawberry Water Users Association, the applicants herein for an exchange of electrical power be, and the same is hereby, approved.

(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
UINTAH RAILWAY COMPANY for }
an order allowing it to discontinue its } Case No. 1224
agency at Dragon, Utah, Station.

Submitted: August 12, 1931. Decided: August 17, 1931.

Appearance:

Thomas L. Mitchell, At- torney, Salt Lake City, Utah,	}	for Applicant, The Uintah Railway Company.
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REPORT OF THE COMMISSION

By Commissioner Corfman:

This matter came on regularly for hearing after due notice given, before the Public Utilities Commission of Utah, at its office at the State Capitol Building, Salt Lake City, Utah, on the 28th day of July, 1931, upon the application of The Uintah Railway Company for an order authorizing it to discontinue its railroad agency service at Dragon, Utah. No protests were made or filed at said hearing in behalf of any interested party.

From the evidence adduced for, and in behalf of, the applicant at said hearing, the Commission finds:

That the Uintah Railway Company is a railroad corporation organized and existing under and by virtue of the Laws of the State of Colorado, and that as a "railroad corporation" has complied with the Laws of the State of Utah with regard to foreign corporations doing business in this state, and as such now, and for many years past, owns and operates a line of

narrow gauge railroad from Mack, Colorado, a station on the main line of The Denver & Rio Grande Western Railroad, northwesterly to Dragon, Utah, a distance of 54 miles; and thence about 10 miles beyond to Watson, Utah.

That said line of railroad from Mack, Colorado, to Dragon, Utah, was constructed and placed in operation in 1905, and was extended from Dragon to Watson, Utah, in 1911; that primarily it was constructed, and has been operated for the serving of Gilsonite mining operations in eastern Utah, and that its traffic has been, and now consists largely in the transportation of Gilsonite from mines in eastern Utah to Mack, Colorado, for further transportation over The Denver & Rio Grande Western Railroad and its connections with other lines; that since the applicant commenced the operation of its railroad in 1905 when its terminus was at Dragon, Utah, and where an agency station has constantly been maintained by it, the mining of Gilsonite at, and in the vicinity of, Dragon has greatly diminished, and in consequence the line of railroad has been extended to Watson, Utah, for the accommodation of Gilsonite mining operations at or near that point;

That the expense of maintaining an agency station at Dragon is approximately \$3000.00 per year; that Dragon is connected with Watson by telephone and telegraph lines, and the business of billing out traffic from Dragon can quite readily be transacted at the applicant's agency station at Watson, Utah; that at Dragon very few people reside, and said town has but one store; that only 9% of the outbound shipments from Dragon during the year 1930 originated at that point, the balance originating at non-agency stations that may be just as conveniently served by the applicant's agent at Watson, Utah;

That the applicant proposes to continue to receive and deliver freight shipments at Dragon without the service of an agent, and that the shipping public will not be greatly inconvenienced by its so doing.

From the foregoing findings, the Commission concludes and decides:

That the application of the Uintah Railway Company herein to discontinue its agency station at Dragon, Utah, should be granted, upon the condition, however, that arrangements be made by the applicant for caring for its local freight deliveries at Dragon; so that shipments to and delivered at that point will be taken care of by placing the same in the custody of some responsible party, or by placing the same in the applicant's warehouse to be protected from the elements

and not lost or stolen, and until called for by the consignee.
An appropriate order will follow.

(Signed) E. E. CORFMAN

We concur:

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 17th day of August, 1931.

In the Matter of the Application of THE
 UINTAH RAILWAY COMPANY, for }
 an order allowing it to discontinue its } Case No. 1224
 agency at Dragon, Utah, Station.

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

IT IS ORDERED, That the application of The Uintah Railway Company to discontinue its agency station at Dragon, Utah, be, and it is hereby, granted, upon the condition that arrangements be made by the applicant for caring for its local freight deliveries at Dragon; so that shipments to and delivered at that point will be taken care of by placing the same in the custody of some responsible party, or by placing the same in the applicant's warehouse to be protected from the elements and not lost or stolen, and until called for by the consignee.

By the Commission.

(Seal)

(Signed) F. L. OSTLER
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of THE
DENVER & RIO GRANDE WEST-
ERN RAILROAD COMPANY, et al.,
for permission to increase freight rates
and charges. } Case No. 1226

ORDER

By the Commission:

IT IS HEREBY ORDERED, That the above entitled matter, be, and it is hereby, dismissed without prejudice, for want of prosecution.

Dated at Salt Lake City, Utah, this 20th day of November, 1931.

(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
TOOELE VALLEY RAILWAY COM-
PANY, for permission to substitute
motor bus service for train service be-
tween Warner and Tooele City, Utah. } Case No. 1227

Submitted: July 17th, 1931. Decided: July 18th, 1931.

Appearances:

B. R. Howell of the firm
of Van Cott, Riter & } for Applicant, Tooele Valley
Farnsworth, of Salt Lake } Railway Company.
City, Utah.

County Commissioners of }
Tooele County, Utah, } for County of Tooele, Utah.

REPORT AND ORDER OF THE COMMISSION

By E. E. Corfman, Commissioner:

On the 11th day of July, 1931 the Tooele Valley Railway Company filed its application before the Public Utilities Com-

mission of Utah for an Order or Permit authorizing it to substitute motor bus service for passenger, mail, and express train service between Warner, Utah, and Tooele City, Utah.

Upon the filing of said application and the proper showing made that the hearing therein should be had at as early a date as possible, the Commission ordered that a hearing be had at Tooele City, Utah, on the 15th day of July, 1931, at 2 P. M., and that notice be given of said hearing to Messrs. Van Cott, Ritèr, & Farnsworth, Attorneys for the applicant, and to the Mayor of Tooele City, Utah, and to the County Commisisoners of Tooele County, Utah.

The matter came on regularly for hearing in accordance with said notice on the 15th day of July, 1931, at Tooele City, Tooele County, Utah, upon said application. No protests were made or filed to the granting of the same.

That Tooele Valley Railroad Company is a "railroad corporation" organized and existing under and by virtue of the laws of the State of Utah, and is at the present time engaged in the business of operating a standard gauge steam railroad, carrying passengers, baggage, mail, freight, and express between Warner, Utah, and International, Utah, as a common carrier and has been engaged in said business since the year 1909.

That Warner is a station on the Los Angeles and Salt Lake Railroad, jointly maintained by the Los Angeles and Salt Lake Railroad Company and the Tooele Valley Railway Company, the applicant herein; that Warner is also a junction point with the Western Pacific Railroad; that the traffic of the applicant consists almost wholly in the transportation of ores, bullion, and smelter supplies in the form of freight and express service with a limited passenger traffic consisting of the carrying of persons engaged as employees of the smelter at International, Utah; that the smelter operations at International, Utah, are now and probably will continue to be closed down until along or about October 1st, 1931, and during said period there will be little public need for rail passenger, mail, and express service between Warner and Tooele City, and practically none between Tooele City and International, Utah.

That the applicant proposes to substitute for said train service between Warner and Tooele City, Utah, automobile passenger, baggage, express, and mail service until October 1st, 1931, or until such a time as it may be deemed advisable to resume by rail its passenger, baggage, mail, and express

service between Tooele City and Warner, and meanwhile supply any transportation needed between Tooele City and International, Utah.

That the present costs of rendering said train service herein sought to be suspended, under existing conditions, entails an operating loss to the applicant of approximately \$90.00 per day, and that the discontinuance of said service by the applicant and the substitution of automobile service therefore would not inconvenience or work any hardship whatsoever upon the public, nor result in the discharge of any of its train crews.

That the public highway over which said proposed automobile service is to be rendered by the applicant is a main thoroughfare not used by any common carrier operating for hire at the present time; that said highway is properly maintained for general traffic and that the use thereof by the applicant as proposed herein would not injure the same nor would it inconvenience the use thereof by the general public or render the same hazardous.

That the applicant proposes, if granted a permit to carry passengers, baggage, mail, and express over said highway between Warner and Tooele City, Utah, and between Tooele City and International, Utah, if needed, to provide suitable automobile equipment, and to operate the same with experienced drivers, and at such times as will best subserve the needs and convenience of the travelling public.

The applicant also represents to the Commission that in its operation over said highway it will in every way conform to the requirements of the statutes of Utah and the rules and orders of this Commission with respect to operating automobiles for hire over the public highways of this State.

From the foregoing findings the Commission concludes and decides:

That the application of the Tooele Valley Railway Company for permission to substitute motor bus service for train service between Warner and Tooele City, Utah, and between Tooele City and International, Utah, if needed, should be granted as applied for herein.

IT IS NOW THEREFORE ORDERED, That by reason of the findings aforesaid, that the applicant, be and it is hereby granted permission to discontinue rail service and to substitute automobile service for rail service between Warner and Tooele City, Utah, in accordance with the foregoing findings, and as applied for herein under Automobile

Permit No. 10; that is to say, discontinue its rail service between Warner and Tooele City, and substitute automobile service therefore; and also to curtail rail service between Tooele City and International, Utah, as applied for herein, and to restore such rail service when it is deemed that public convenience and necessity requires the same.

(Signed) E. E. CORFMAN

We concur:

THOS. E. McKAY

G. F. McGONAGLE

Commissioners.

(Seal)

Attest:

(Signed) L. LAWRENCE, Acting Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the matter of the application of CARBON COUNTY, a Municipal Corporation of the State of Utah, for permission to use railway crossing. } Case No. 1228

Submitted: August 12th, 1931. Decided: August 14th, 1931.

Appearances:

Walter C. Gease, Attorney, of Price, Utah,	} for Applicant, Carbon County, Utah.
B. R. Howell, Attorney, representing the firm of Van Cott, Riter & Farnsworth of Salt Lake City, Utah,	
	} for The Denver & Rio Grande Western Railway Company.

REPORT OF THE COMMISSION

This matter came on regularly for hearing before the Public Utilities Commission of Utah at Price, Carbon County, Utah, on the 5th day of August, 1931, upon the application of Carbon County, Utah, a Municipal Corporation under the Laws of the State of Utah, for an Order permitting the construction of a county road over and across the railroad track of The Denver & Rio Grande Western Railroad Company, a branch line extending from its main line at Colton Station, near Soldier Summit, to Clear Creek, Utah, at a point near what is known as Station 711-35 near Scofield, Carbon County, Utah.

From the evidence and records in the files, it appears:

That Carbon County is a Municipal Corporation existing under and by virtue of the laws of the State of Utah; that said Carbon County is at the present time building, constructing, improving, and re-aligning the public highway commonly known as the Scofield Highway in Carbon County, State of Utah, and that it is necessary that said public highway be constructed over and across the railroad track of The Denver & Rio Grande Western Railroad Company, at or near a point known as Station 711-35, near Scofield, Carbon County, Utah;

That The Denver & Rio Grande Western Railroad Company is a "railroad corporation" duly organized and existing under and by virtue of the Laws of the State of Colorado and as such is authorized to do business in the State of Utah as a common carrier of persons and property for hire;

That the said crossing proposed to be constructed by Carbon County will necessarily have to cross the railroad track of The Denver & Rio Grande Western Railroad Company at or near said Station 711-35;

That public safety requires that the crossing of said county road or public highway across the tracks of The Denver & Rio Grande Western Railroad Company be constructed and made at an angle of not less than 45°; that public safety requires that said crossing be protected by standard wing fences and cattle guards, and also by suitable warning post of standard railroad construction; that said branch line of The Denver & Rio Grande Western Railroad Company is operated chiefly for the accommodation of the coal producers and miners of Carbon County, and that no fast freight or passenger trains are operated on and over said branch; that the traffic over said branch line is very limited and periodical for the accommodation of said coal producers and miners, and that said crossing is to be constructed at a point where approaching trains may be seen in time by the vehicular travelers over the highway so as not to render the same hazardous.

That Carbon County has stipulated herein its willingness to bear the entire cost of the construction of said crossing at grade, including the placement of suitable wing fences and cattle guards, and also a suitable warning post; that The Denver & Rio Grande Western Railroad Company has stipulated herein that it will furnish the material and labor at cost to itself for the construction of said crossing of the railroad tracks and for the construction of said wing fences, cattle guards, and warning post.

From the foregoing findings of fact, the Commission concludes and decides:

That the application of Carbon County herein for the construction of a crossing at grade over the tracks of The Denver & Rio Grande Western Railroad Company at or near Station 711-35 of its branch line extending from Colton Station to Clear Creek in Carbon County, Utah, should be granted, and that the expense of constructing, protecting, and maintaining the same should, in fairness to all parties concerned, be borne by Carbon County as herein stipulated that it is willing to do.

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 14th day of August, 1931.

In the Matter of the Application of CARBON COUNTY, a Municipal Corporation of the State of Utah, for permission to use railway crossing. } Case No. 1228

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

IT IS ORDERED, That the application of Carbon County, Utah, herein, for the construction of a crossing at grade over the track of The Denver & Rio Grande Western Railroad Company at or near Station 711-35 of its branch line extending from Colton Station to Clear Creek in Carbon County, Utah, be and it is hereby, granted.

ORDERED FURTHER, That said crossing be constructed at an angle of not less than 45°, and that the same

be protected by wing fences, cattle guards, and a warning post be erected thereat, all to be in accordance with standard railroad types.

ORDERED FURTHER, That the expense of constructing, protecting, and maintaining the same be borne by Carbon County, as herein stipulated that it is willing to do.

By the Commission.

(Signed) F. L. OSTLER

(Seal)

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

GUNNISON SUGAR COMPANY,	}	Case No. 1229
Complainant,		
vs.		
THE DENVER & RIO GRANDE WEST-ERN RAILROAD COMPANY & UTAH RAILWAY COMPANY,		
Defendants.		

ORDER

By the Commission:

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

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

Dated at Salt Lake City, Utah, this 21st day of September 1931.

(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 WEST-ERN RAILROAD COMPANY to close its station agency at Castle Gate, Utah.	}	Case No. 1230

Submitted: August 18, 1931. Decided: August 21, 1931.

Appearance:

B. R. Howell, represent- ing the firm of Van Cott, Riter & Farnsworth, At- torneys, of Salt Lake City, Utah,	}	for Applicant, The Denver & Rio Grande Western Railroad Company.
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REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, after due notice given, at Price, Carbon County, Utah, on the 5th day of August, 1931, upon the application of The Denver & Rio Grande Western Railroad Company to close and discontinue its agency station at Castle Gate, Utah. No protests were made or filed by any interested party to the granting of the application as applied for, and a number of interested parties that might be affected filed herein their written approval of the closing of the station, upon the grounds that it be in the interest of economy and not seriously inconvenience the shipping public.

From the records and files in the case and the evidence adduced for and in behalf of the applicant at the hearing, it appears:

That The Denver & Rio Grande Western Railroad Company is a "railroad corporation" duly organized and existing under and by virtue of the laws of the State of Delaware, and as a foreign corporation is qualified to do business in the State of Utah; that for many years last past it has been, and is now, a common carrier of freight and passengers, and is operating a steam line railroad from Ogden, Utah, to Denver, Colorado, and elsewhere.

That Castle Gate is situated on its main line of railroad passing through the Carbon County, Utah, coal fields; that at Castle Gate and near by there are a number of coal mines that are now and have heretofore shipped over applicant's railroad their mine products out of Castle Gate; that practically all of the people residing at Castle Gate are in some way connected with the coal mining industry.

That the applicant maintains an agency station at the town of Helper, Utah, 3.8 miles distant from Castle Gate, and the business now transacted at Castle Gate by its agent can be taken care of by its agent at Helper, Utah, quite as efficiently as at Castle Gate; that these two towns are connected by telegraph and telephone lines, and by a paved highway;

that practically all of the business now conducted at Castle Gate is connected in some form with coal mining operations.

That the expense of maintaining an agency station at Castle Gate is approximately \$3,400.00 per annum, and a saving of this expense may be had in the future by closing the agency station at Castle Gate and transacting the business of the applicant at Helper, Utah, and without serious inconvenience to the applicant's patrons.

That said applicant proposes, if its application herein be granted, to make deliveries of both passengers and freight the same as heretofore at Castle Gate, and to retain charge of and protect local freight until called for by the consignee.

From the foregoing findings of fact, the Commission concludes and decides:

That the application of The Denver & Rio Grande Western Railroad Company to close its agency station at Castle Gate, Utah, should be granted, provided, however, that the applicant shall make suitable arrangements for taking care of all property unloaded at said point until called for by consignees.

IT IS THEREFORE ORDERED, That the application of The Denver & Rio Grande Western Railroad Company to close its agency station at Castle Gate, Utah, be, and it is hereby, granted, provided, however, that the applicant make suitable arrangements for taking care of all property unloaded at said point until called for by consignees.

(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 WEST- ERN RAILROAD COMPANY for per- mission to close its station agency at Dividend, Utah.	}	Case No. 1231
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Submitted: September 11, 1931. Decided: September 29, 1931.

Appearance:

B. R. Howell, Attorney, representing the Firm of Van Cott, Riter & Farns- worth of Salt Lake City, Utah.	}	for Applicant, The Denver & Rio Grande Western Railroad Company.
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REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of July 29th, 1931, The Denver & Rio Grande Western Railroad Company filed application for permission to close its station agency at Dividend, Utah. Application sets forth that the applicant is a corporation of Delaware, duly authorized to transact business in Utah, and is an interstate common carrier of freight and passengers for hire, operating a steam railroad with its main line from Ogden, Utah, to Denver, Colorado, with numerous branch lines, including the Tintic Branch from junction at Springville to Silver City, and Goshen Valley Branch with junction with said Tintic Branch at Pearl to Dividend.

That Dividend is located on said Goshen Valley Branch at a distance of 6.5 miles westerly from applicant's station at Pearl on the Tintic Branch; that the distance between Dividend and Goshen is approximately 11.9 miles; that more than 90% of the business transacted by applicant at Dividend is carload ore shipments, and that the closing of this station will not result in any inconvenience to the public.

This case came on regularly for hearing on September 11, 1931, at 10:00 A. M., at Salt Lake City, Utah, after due and legal notice was given to interested parties. The record shows:

That applicant, The Denver & Rio Grande Western Railroad Company, is a corporation organized under the laws of the State of Delaware and is authorized to do business in the State of Utah; that it operates a steam railroad from Ogden, Utah, to Denver, Colorado, with numerous branches, including what is known as the Tintic Branch which connects with its main line at Springville to Silver City, including Eureka; that it operates the Goshen Valley Branch from Pearl, a point on the Tintic Branch, for a distance of 6.5 miles to Dividend.

That the principal business transacted by the railroad company at Dividend is the transportation of ore and mining

supplies; that over 99% of the business to and from Dividend by applicant's line is for the mining companies located at Dividend and adjacent thereto; that there is no telegraph office at Dividend; that there is no passenger service to or from Dividend by rail; that the train service to and from Dividend is as follows:

The train crew lives at Springville. On Monday they go to Silver City, through Eureka, and stay there all night; Tuesday they return to Springville via Dividend. On their trip on Monday they go to Dividend with empty cars for ore. On Wednesdays and Thursdays this crew operates a round trip from Springville to Dividend and returning, and go to Eureka if service is called for. If service is necessary at Eureka, the crew has to go back to the junction point and along the main Tintic Branch. On Fridays and Saturdays the service as given on Mondays and Tuesdays is repeated; so that the freight service given for hauling ore is four days a week and switching service usually every day in the week.

In addition to the Tintic Standard Mine, there are the Eureka Standard and the Iron King which are located adjacent to Dividend and use the rail facilities at Dividend, and also the North Lily which trams its ores to Dividend for shipment.

Mail and express service to and from Dividend is afforded through the medium of a truck line known as the Utah Central Transfer Company which operates between Provo and Silver City and intermediate points. This line holds a certificate from this Commission.

Numerous employes of these mines reside at Eureka and are transported by an authorized bus line to Dividend. The population of Dividend is approximately 500 people, practically all of whom are employed by the Tintic Standard Mining Company or are members of the employes' families.

The Tintic Standard Mining Company owns all of the facilities, houses, and townsite at Dividend. There is one store, which is operated by the Tintic Standard Mining Company. There is only one independent business in Dividend, which is a restaurant operated by one not in the employ of the mining company.

The railroad employs a station agent and a repair man at Dividend. Applicant's Exhibit "C" is a letter to the Public Utilities Commission dated August 11th, 1931, outlining the position of the Tintic Standard Mining Company and stating that it has no objection to the closing of this station as an agency station.

Applicant's Exhibit "D" shows the carload freight received at and forwarded from Dividend, Utah, for the year 1930 and for seven months of 1931. Applicant's Exhibit "E" shows the revenue from less than carload freight received at and forwarded from Dividend for the year 1930 and for seven months of 1931.

If the application is granted, applicant will be relieved of expense amounting to approximately \$2300.00 per year. If granted, applicant proposes to maintain building for less than carload freight and to continue the services of the repair man who will also look after the less than carload freight.

Applicant also sets forth that over its entire line, due to material reduction in revenue, it has been obliged to materially reduce its operating expenses.

In view of these facts, the Commission finds that the granting of this application will not seriously inconvenience the public; that carload shipments may be billed from Goshen, and that the small amount of less than carload freight may be taken care of by the railroad repair man, and, therefore, the application should be granted.

IT IS THEREFORE ORDERED, That the application of The Denver & Rio Grande Western Railroad Company for permission to close its station agency at Dividend, Utah, be, and it is hereby, granted, upon the condition that the railroad retain in its employ a repair man or some other person who will take care of less than carload freight in such a way that the same may be safely and efficiently handled when delivered for shipment by the applicant, and as to inbound shipments, retained in its possession until safely delivered to the consignee at Dividend.

(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
UTAH LIGHT & TRACTION COM-
PANY, for a permit to operate an auto-
mobile passenger service between 9th
South and 15th East Streets, east to the
Hogle Zoological Park. } Case No. 1233

Submitted: August 6, 1931. Decided: August 12, 1931.

REPORT AND ORDER OF THE COMMISSION

By the Commission :

On the 6th day of August, 1931, the Utah Light & Traction Company, a corporation of the State of Utah, with its principal place of business in Salt Lake City, Utah, filed with the Public Utilities Commission its application for a permit to operate an automobile passenger service temporarily, on Sunday afternoons only, beginning August 9, 1931, to connect with its street car line at the intersection of 9th South and 15th East Streets in Salt Lake City, said bus line to run east on Ninth South Street to the Hogle Zoological Park near the entrance to Emigration Canyon, and return, between the hours of 11:30 A. M. and 6:30 P. M. The fare to be charged to be five cents (5c) each way, no transfers to be issued either to or from the line, but weekly or Sunday passes to be honored.

It appears that public need and convenience will be subserved by the rendering of the service herein proposed by the applicant, because of the fact that a large number of people have no means of transportation between the street car line at 9th South and 15th East Streets and the Hogle Zoological Park near the entrance of Emigration Canyon, and that the proposed service will enable them to have convenient transportation service on Sundays, which is the most popular day of the week for visiting the park.

IT IS THEREFORE ORDERED, That the application herein be, and the same is hereby, granted, and that Automobile Permit No. 11 be, and it is hereby, issued to the Utah Light & Traction Company, authorizing it to operate an automobile passenger service between the intersection of 9th South and 15th East Streets and the Hogle Zoological Park, as proposed herein, as long as the public demand warrants the service.

(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
MILLER DITCH COMPANY, for per- } Case No. 1235
mission to increase its rates.

Submitted: September 15, 1931. Decided: September 28, 1931.

Appearance:

Mr. S. N. Cornwall, for Applicant.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This case came on for hearing on September 11, 1931, at Salt Lake City, Utah, after due notice given. No protests were made to the granting of the application.

The Miller Ditch Company is a corporation of the State of Utah organized for the purpose of supplying culinary water to certain residents of Salt Lake County, Utah, and as such is a public utility under Section 26, Chapter 2 of the Public Utilities Act.

The Company now has ninety seven connections, and the water system consists of about six miles of pipe lines located as follows:

“The main line runs west on 48th South to 13th East, thence north on 13th East to 45th South, thence west on 45th South to 9th East, thence north on 9th East to Scott Avenue, with laterals leading west on Scott Avenue, east and west on 39th South, and also west on 45th South. There is a lateral with a few houses on 7th East north of 45th South, and a lateral running down what is known as Cemetery Lane, supplying water to the Mill Creek Cemetery, and four residences there.”

The Corporation was formed as a community enterprise, by which stockholders in what was known as the Miller Ditch and Brinton Spring exchanged their canal stock, share for share, for stock in the Miller Ditch Company, for the purpose of conveying water for domestic uses through a pipe line system instead of open canals. This pipe line was constructed in 1911 of wire wound, wooden pipe and has now deteriorated to a point where further maintenance is impracticable, the Company being confronted with the necessity in the near

future of laying an entire new main line of iron pipe, costing approximately \$15,000.00.

The present rate schedule provides for a net minimum annual bill of \$9.00, which entitles the user to 100,000 gallons, and 7½c per 1,000 gallons for all water used over and above the 100,000 gallons aforesaid. The gross revenue in 1930 under the above rate was \$1,040.00.

The proposed rate schedule provides for a net minimum annual bill of \$12.00 for the first 100,000 gallons and 8c per 1,000 gallons for additional water. It is estimated that the proposed new schedule will produce a gross annual income of \$1,500.00.

The estimated depreciated value of the system includes \$30,000.00 for the water supply of 2 and ¼ cubic feet per second, and \$5,000 for the present pipe system, or a total value of \$35,000.00.

The Company proposes to mortgage the property for an amount necessary to renew part of the main pipe line, and by foregoing salaries to the officers and dividends to the stockholders hopes to cancel its indebtedness over a period of ten years.

It is apparent that the proposed rates will not earn a fair return on the value of the property, and it is not probable that a proper depreciation reserve can be set up. However, this is a growing district, and the officers of the Company believe the reconstruction of the pipe line system will enable them to secure additional connections in an amount that will provide a gross revenue of \$2,000.00 per year.

The Commission finds that the Miller Ditch Company should be allowed to file the rate schedule as proposed, and if at the expiration of one year, it should appear that the Company is not on a proper financial basis, and that the interests of the water users under the system are not being conserved, the case will be reopened for further consideration.

IT IS THEREFORE ORDERED, That the application herein of the Miller Ditch Company, for permission to increase its water rates be, and it is hereby, granted, and that the applicant, Miller Ditch Company be, and it is hereby, permitted an annual charge of \$12.00, which entitles the users to 100,000 gallons of water, and 8c per 1,000 gallons for all water in excess of 100,000 gallons used.

ORDERED FURTHER, That if at the expiration of one year, it should appear that the Miller Ditch Company is not

on a proper financial basis, and that the interests of the water users under the system are not being conserved, the case will be reopened for further consideration.

(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 DON R. HOUT, for permission to amend his Certificate of Convenience and Necessity } Case No. 1237
No. 358.

Submitted: September 17, 1931. Decided: October 3, 1931.

Appearances:

D. R. Hout,	}	for Himself.
L. E. Gehan,	}	for Railway Express Agency, Protestant.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on for hearing at Salt Lake City, on September 11, 1931, after due notice given. From the record the Commission finds as follows:

That D. R. Hout operates on the following schedule a daily bus service between Salt Lake City and Coalville, Utah, via Parleys Canyon under Certificate of Convenience and Necessity No. 358:

Leave Coalville 8:00 A. M. Arrive Salt Lake 10:00 A. M.
Leave Salt Lake 3:00 P. M. Arrive Coalville 5:00 P. M.

That said certificate permits the carrying of express limited, however, to articles not exceeding one foot by one foot by three feet in size; that said limitation prohibits the carrying of a number of necessary articles, such as automobile tires, shovels, rakes, etc.

That the Railway Express Agency, protestants in this

matter, operate a daily express service between Salt Lake City and Coalville, via Ogden to Echo, thence by mixed train to Coalville on the following schedule:

Leave Salt Lake 11:50 P. M. Arrive Coalville 9:30 A. M.

Leave Coalville 12:45 P. M. Arrive Salt Lake 4:55 P. M.

Applicant, D. R. Hout, operates pick up and delivery service at Salt Lake City and Coalville, and Railway Express Agency at Salt Lake City only.

Applicant's bus consists of a seven passenger sedan. The Commission further finds that public convenience and necessity require that applicant's present certificate should be amended to permit the handling of such express as can be conveniently handled on above bus without inconvenience to passengers.

The Commission believes that this service will be beneficial to the residents of Coalville and that the amount of express diverted from protestant's line negligible.

IT IS THEREFORE ORDERED, That the application herein, of D. R. Hout, for permission to amend Certificate of Convenience and Necessity No. 358 be, and it is hereby, granted, and that D. R. Hout be, and he is hereby, authorized to transport such express matter on his seven passenger bus, as can be conveniently handled without inconvenience to passengers.

(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 HARRY S. JOSEPH, for a certificate of public convenience and necessity author- izing and permitting him to construct and operate a water works system for the pur- pose of serving the town of Delta and the inhabitants thereof with water for muni- cipal use and for domestic and culinary purposes.</p>	}	Case No. 1238
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Submitted: September 1, 1931. Decided: November 5th, 1931.

Appearance:

Harry S. Joseph of Salt }
Salt Lake City, Utah, } for himself as Applicant.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission at Delta, Utah, on the 6th day of October, 1931, after due notice given. No protests were made on the part of any interested party to the granting of the application. From the evidence adduced for and in behalf of the applicant, it appears:

That the applicant, Harry S. Joseph, is a resident of Salt Lake City, Utah. That he is an experienced engineer and as such has constructed and operated water works systems for municipalities and the inhabitants thereof in a number of Utah towns and cities. That the town of Delta is a municipal corporation existing under the laws of the State of Utah. That it has a population of approximately 1,000 people.

That the town of Delta has at the present time no adequate water supply for serving the town with water for municipal purposes, and that said town is in great need of a water supply for general municipal purposes, and for the purpose of supplying the inhabitants thereof with water for domestic and culinary purposes, and for general use.

That the applicant, Harry S. Joseph, proposes to construct, operate, maintain, and install a water works system for serving the said town of Delta and the inhabitants thereof with water for all useful purposes. That the proper municipal authorities or officers of the town of Delta, on the 17th day of August, 1931, granted the applicant the necessary franchise authorizing and permitting him to construct, operate, maintain, and install the necessary pipe lines for water mains and laterals, valve boxes, and other appurtenances necessary for the operation of said water system along all the streets and alleys within the corporate limits of said town of Delta, Millard County, Utah.

That public convenience and necessity requires the construction, operation and maintenance in the said town of Delta of a water system as proposed by the applicant herein, and that the same will cost approximately \$25,000.00.

From the foregoing findings upon the record and files herein, all of which are made a part hereof, the Commission concludes and decides:

That the applicant, Harry S. Joseph, should be granted a certificate of public convenience and necessity authorizing and permitting him to construct, operate, and maintain a water system within the town of Delta, Millard County, Utah, for the purpose of serving said town and the inhabitants thereof with water for culinary and domestic use, and for municipal and all other useful purposes.

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. 386

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 5th day of November, 1931.

<p>In the Matter of the Application of HARRY S. JOSEPH, for a certificate of public convenience and necessity authorizing and permitting him to construct and operate a water works system for the pur- pose of serving the town of Delta and the inhabitants thereof with water for muni- cipal use and for domestic and culinary purposes.</p>	}	Case No. 1238
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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 of Harry S. Joseph, for permission to construct, operate, and maintain a water system within the town of Delta, Millard County, Utah, for the purpose of serving said town and the inhabitants

thereof with water for culinary and domestic use, and for municipal and all other useful purposes be, and it is hereby, granted.

By the Commission.

(Seal)

(Signed) F. L. Ostler
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of THE
WESTERN UNION TELEGRAPH }
COMPANY to discontinue service at } Case No. 1242
Bingham, Utah.

Submitted: December 14, 1931. Decided: December 29, 1931

Appearances:

U. G. Life, General Super- intendent, Western Union Telegraph Company,	} for The Western Union Tele- graph Company.
Mr. Harold W. Williams of Bingham Canyon, Utah,	
	} for Himself and citizens of Bingham Canyon, Utah.

REPORT AND ORDER OF THE COMMISSION

CORFMAN, Commissioner:

On the 28th day of November, 1931, The Western Union Telegraph Company filed its application with the Public Utilities Commission of Utah for an Order authorizing and permitting it to discontinue its telegraph office at Bingham Canyon, Utah, upon the alleged grounds that at the present time, and for a long time past, said office has been maintained and operated at a loss. The matter came on regularly for hearing before the Commission at Bingham Canyon, Utah, on the 1st day of December, 1931, after due notice given.

From the evidence adduced for and in behalf of the applicant and by interested parties or witnesses opposing said application, the Commission finds:

1. That the applicant, The Western Union Telegraph Company, is a corporation organized and existing under and by virtue of the Laws of the State of New York with its principal business office at No. 60 Hudson Street, New York City, New York; that as a foreign corporation it has been for

many years last past, and is now permitted to transact business in the State of Utah, by reason of its having made full compliance with the statutes of the State with respect to foreign corporations doing business therein; that it is now, and for many years last past has been, operating and maintaining a telegraph office in Bingham Canyon, Salt Lake County, Utah, for the purpose of transmitting and receiving telegrams and doing other business incident to telegraph service; that said telegraph service has been rendered over a branch line extending from its main telegraph office at Salt Lake City, Utah, to Bingham Canyon, Utah, a distance of approximately 25 miles.

2. That Bingham Canyon is a mining town with a present population, as shown by the United States Census Bureau for 1931, of 3,248 people; that the neighboring territory tributary to Bingham Canyon is devoted almost exclusively to mining operations.

3. That the telegraph office of the applicant at Bingham Canyon since its establishment many years ago has not proved profitable, and for the greater portion of the time the operating expenses have been higher than the revenues accruing by reason of its operation, particularly in recent times owing to many of the mines adjacent to Bingham Canyon having ceased operation in whole or part.

4. That for the first ten months of the year 1931 the total revenue derived by the applicant through the maintenance of its telegraph office at Bingham Canyon amounted to \$1,174.00 and the total expenses, not including taxes or salaries of line men, amounted to \$1,149.00.

5. That during the months of September, October, and November of the year 1931 the average number of messages sent out from the applicant's Bingham Canyon office were but 2.5 each day; that the messages sent consisted almost exclusively of those representing business houses and interests that are making no protest against the granting of the application as applied for.

6. That it has been to a great extent the practice for years of the business and mining interests at Bingham Canyon in sending messages to transmit them by telephone to the applicant's office in Salt Lake City, notwithstanding the office at Bingham Canyon being maintained and operated; that Bingham Canyon is connected with Salt Lake City by well maintained telephone service, and that the telephone office at Bingham Canyon for the purpose of rendering service is open twenty-four hours each day of the year; that the appli-

cant at its office in Salt Lake City employs experienced and trained operators for the purpose of receiving messages over the telephone, and such messages are handled by said office to a great extent and to the satisfaction of practically all of its patrons.

7. That if its office at Bingham Canyon is closed, messages received at Salt Lake City will be transmitted over the telephone to Bingham Canyon in practically the same way as telephone communications are now being made from outside points to Bingham Canyon.

From the foregoing findings of fact the Commission concludes that public convenience and necessity no longer require the maintenance and operation of the applicant's telegraph office at Bingham Canyon, Utah; that the cost or expense of maintaining said office is now and would continue to be an unnecessary burden upon the applicant and its rate payers, and therefore, it will be for the public interest that said office be discontinued, and that the application should be granted.

IT IS NOW THEREFORE ORDERED, That the application of The Western Union Telegraph Company to discontinue its telegraph office at Bingham Canyon, Utah, be, and the same is hereby, granted.

(Signed) E. E. CORFMAN

We concur:

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 MIL-
LARD COUNTY, a Municipal Corpora-
tion, by its Board of County Commis-
sioners, for permission to abandon and close
a public grade crossing over the tracks of
the Los Angeles & Salt Lake Railroad
Company, a Corporation. } Case No. 1243

Submitted: October 26, 1931. Decided: December 30, 1931.

Appearances:

L. H. Anderson, Attorney } for Los Angeles & Salt Lake
of Salt Lake City, Utah, } Railroad Company.
Peter T. Black of Delta, }
Utah, } for Millard County.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah on the 6th day of October, 1931, at 2:00 P. M., at Delta, Utah, upon the application of Millard County, a municipal corporation, acting through and by its Board of County Commissioners, for permission to abandon and close a public grade crossing of the Los Angeles & Salt Lake Railroad Company, a corporation. The case was continued at 4:00 P. M., at Fillmore, Utah, in order to accommodate Mr. Peter T. Black, Chairman of the Millard County Commission, who was unable to attend the hearing at Delta, and at the conclusion of the hearing at Fillmore the case was continued until the 9th day of October, 1931, at the request of County Commissioner Black, in order to give any interested party who may not have received notice of the hearing an opportunity to be heard.

From the evidence adduced at said hearings the Commission now finds and reports as follows:

1. That Millard County is a municipal corporation of the State of Utah, and the regular meeting place and post office address of its Board of County Commissioners is Fillmore, Utah.
2. That a part of the main line of the Los Angeles & Salt Lake Railroad Company between Los Angeles in the State of California and Salt Lake City, Utah, traverses a part of Sections 12, 13, and 14, Township 17 South of Range 7 West Salt Lake Meridian in Millard County, State of Utah; that for a number of years last past there has been, and is now, a public grade crossing of said main line of railroad at a point approximately near the line bounding said Section 12 on the south and the north line of said Section 13; that petitioner herein desires to abandon and close said public grade crossing against further use as a highway to the public, upon the grounds and for the reason that said grade crossing is no longer a way or road of necessity, and for the further reason that a better and more convenient highway has been established for the public.
3. That the road passing over said crossing has been

washed out by the reservoir, and has been abandoned by Millard County, and under Grade Crossing Permit No. 153 said county has been authorized to and has established a public crossing over the tracks of the Los Angeles & Salt Lake Railroad Company at Mile Post 647.83; the crossing petitioner is asking to be closed is at Mile Post 648.40.

4. That the County Commissioners have agreed to establish a road between these two crossings commencing at the south line of Sections 11 and 12 and running thence north one-half mile on a line between the Sections 11 and 12, Township 17 South of Range 7 West.

5. There were no protestants appeared at the hearings at Delta or Fillmore. At the conclusion of the hearing in Fillmore, Utah, the case, as already stated, was continued for further hearing at Salt Lake City, Utah, Friday, the 9th day of October, 1931, at 10:00 A. M., in order to give any interested party who may not have received notice of the hearings held in Millard County an opportunity to be heard. At this continued hearing, however, no protestants appeared.

From the foregoing facts, the Commission concludes and decides that the application of Millard County, a municipal corporation, by its Board of County Commissioners, for permission to abandon and close the public grade crossing, Mile Post 648.40, over the tracks of the Los Angeles & Salt Lake Railroad Company, a corporation, should be granted.

IT IS THEREFORE ORDERED, That the application of Millard County, a municipal corporation, by its Board of County Commissioners, for permission to abandon and close the public grade crossing, Mile Post 648.40, over the tracks of the Los Angeles & Salt Lake Railroad Company, a corporation, be, and it is hereby, granted.

(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 WEST- ERN RAILROAD COMPANY, for per- mission to close its station agency at Bingham, Utah.	}	Case No. 1244
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Submitted: December 14, 1931. Decided: December 28, 1931.

Appearances:

Van Cott, Riter & Farns- worth, Attorneys of Salt Lake City, Utah,	}	for Applicant, The Denver & Rio Grande Western Railroad Company.
Mr. Harold W. Williams, of Bingham Canyon, Utah,	}	for Himself and citizens of Bingham Canyon, Utah.

REPORT OF THE COMMISSION

CORFMAN, Commissioner:

On the 3rd day of October, 1931, The Denver & Rio Grande Western Railroad Company filed an application with the Public Utilities Commission of Utah for an order authorizing and permitting it to close its agency station at Bingham Canyon, Utah, upon the grounds that public convenience and necessity does not now require agency service at said station, and that in the interest of economical operation of its railroad the same should be discontinued. The matter came on regularly for hearing before the Commission at Bingham Canyon, Utah, after due notice given, on the 1st day of December, 1931.

From the evidence adduced for and in behalf of the applicant and interested protesting witnesses, the Commission finds:

1. That the applicant, The Denver & Rio Grande Western Railroad Company, is a corporation duly organized and existing under and by virtue of the Laws of the State of Delaware; and that as a foreign corporation it is authorized by full compliance with the Laws of Utah to do business in this State as a "railroad corporation" and as such maintains its principal business office in Utah at 1311 Walker Bank Building, Salt Lake City, Utah; that it is now and for many years last past has been engaged in, the business of a common carrier of freight and passengers for hire, by maintaining and operating a main line of steam railroad between Denver, Colorado, and

Ogden, Utah, with numerous branch lines in Utah, among them a branch line extending from its main line at Midvale to Bingham Canyon, Utah, a distance of 14.1 miles; that on said Bingham Canyon branch line applicant at the present time, and for several years last past has not been rendering any passenger or mixed train service, and freight service is now being rendered by the applicant two days each week only, unless some additional or special service is required for the accommodation of shippers; that the transportation needs of the public at Bingham Canyon are also being served at the present time by the Bingham & Garfield Company and its connections and by well established licensed automobile daily truck service, rendered between Salt Lake City and Bingham Canyon, via Midvale, as well as by the applicant's railroad.

2. That Bingham Canyon is a mining town with a present population of approximately 2,725 people, and that the territory tributary to Bingham Canyon is devoted almost exclusively to mining operations, and therefore, the population varies from time to time, according to the demand for labor at the mines.

3. That for the year 1930 there were but 484 less-than-carload shipments received over applicant's railroad destined to Bingham Canyon, and but 65 shipments forwarded out of Bingham Canyon during the same year, and for the first 9 months of 1931 but 224 received and 25 forwarded; that the revenue accruing to applicant from said less-than-carload shipments for the year 1930 amounted to \$4,315.13, and for the first nine months of 1931, \$3,131.82.

4. That the number of carload shipments received over applicant's railroad at Bingham Canyon for the year 1930 was 220 cars, and for the first nine months of 1931, 140 cars, and for the year 1930 there were forwarded out of Bingham Canyon nine cars, and for the first nine months of 1931, 2 cars.

5. That out of the 220 cars received at Bingham Canyon over the applicant's railroad during the year 1930, 177 cars were shipments of coal, 33 cars were shipments of gasoline, 5 cars lumber, 4 cars automobiles, 1 car sand and gravel, and the carloads out of Bingham consisted largely of products from the mines; that the shippers receiving carloads in 1930 were 8 in number, and in forwarding carloads but 2 in number. For the first nine months of 1931 the number of shippers receiving carloads were 7 in number, and the number forwarding carloads but 1.

6. That the total revenue accruing in 1930 at applicant's Bingham Canyon station from less-than-carload shipments of

freight received amounted to \$3,882.35, and on shipments forwarded \$432.78, a total for the year of \$4,315.13; for the first 9 months of 1931 on less-than-carload lots there accrued on shipments received \$1,684.76, and on shipments forwarded \$129.87, a total of \$1,814.63.

7. That the average yearly expense to the applicant in operating its station at Bingham Canyon is about \$2,136.00, not including cost of general supervision, and other incidental expenses amounting to approximately \$300.00 per annum; that if Bingham Canyon be closed as an agency station carload shipments inbound would have to be prepaid or the consignees would have to make satisfactory credit relations with the applicant before the shipments would be delivered; that the carloads outbound would be forwarded on the basis of collecting at the destination.

8. It is quite a custom of the patrons of the applicant's railroad to establish credit relations so that deliveries at Bingham station can be made without freight charges being prepaid. On less-than-carload shipments of freight to Bingham Canyon the charges would have to be prepaid or otherwise the shipments would be held at the transfer point at Midvale 14.1 miles away until settlement is made by the consignee.

9. It is proposed by the applicant that less-than-carload shipments received at Bingham Canyon station, in case of the agency being discontinued, will be handled by the special train crews assigned to applicant's Bingham Canyon branch line, by unloading the same and placing it in the freight depot or warehouse under lock and key and in charge of a caretaker who will deliver the same to the consignees when applied for.

10. Less-than-carload shipments outbound would be received at Bingham Canyon by the care taker or delivered directly to the conductor of the train.

11. That the applicant's railroad system as a whole is not earning at the present time its fixed charges, and that in order to economize it has already reduced the number of its employees to about 50% of the number had in the year of 1929. In 1931 it has experienced a deficit each and every month except August, besides having deferred in recent years maintenance to the extent of more than \$1,500,000.00.

It will be seen from the foregoing findings that less-than-carload shipments handled at applicant's Bingham Canyon station are but very few in number; that the carload shipments consist almost entirely of coal inbound, and a few cars of mine products outbound. The record here further shows

that Bingham Canyon is closely connected with other agency stations accessible by a well maintained public highway, and it also has public telephone service. It is also afforded dependable automobile truck service and rail transportation facilities other than those rendered by the applicant.

It would seem that under all the circumstances and conditions attending Bingham Canyon the shipping public need not suffer any serious inconvenience by closing or discontinuing applicant's station there, as an agency station, provided, however, that the applicant exercise reasonable care toward its patrons in receiving and delivering less-than-carload shipments. We think the station should be kept in charge of a custodian with that purpose in view. With respect to carload shipments, careful consideration shown on the part of train crews and by the agency station at Midvale toward applicant's patrons should prove fairly satisfactory, in view of the fact that coal and mine products are practically the only commodities now handled at Bingham Canyon station by the applicant in carload lots.

Upon the foregoing findings made, and for the reasons stated the Commission believes that the application of The Denver & Rio Grande Western Railroad Company to discontinue its station as an agency station at Bingham Canyon, Utah, should be granted.

An appropriate order will follow:

(Signed) E. E. CORFMAN

We concur:

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 28th day of December, 1931.

In the Matter of the Application of THE DENVER & RIO GRANDE WEST- ERN RAILROAD COMPANY, for per- mission to close its station agency at Bingham, Utah.	}	Case No. 1244
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This case being at issue upon application on file, and hav-

ing been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of The Denver & Rio Grande Western Railroad Company for permission to close its station as an agency station at Bingham Canyon, Utah, be, and the same is hereby, granted; provided, however, that the applicant shall continue to keep and maintain its station house or ware room at Bingham Canyon in charge of a custodian for the purpose of receiving inbound shipments of freight in less-than-carload lots and delivering the same to consignees so that the same will be protected from the elements and against loss by theft; provided further, that outbound shipments of less-than-carload lots of freight shall be received by said custodian at the hands of shippers until placed in the hands of train crews for shipment, and that train crews operating over the applicant's branch line to Bingham Canyon and applicant's agency station at Midvale, Utah, exercise due care in handling carload lots destined to Bingham Canyon; so that the same shall reach destination without unnecessary delay or serious inconvenience to the consignees thereof.

By the Commission.

(Seal)

(Signed) F. L. Ostler
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

<p>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 Hot Springs, Utah, as an agency station.</p>	}	Case No. 1245
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Submitted: November 23, 1931. Decided: December 31, 1931.

Appearance:

<p>Mr. L. H. Anderson, At- torney of Salt Lake City, Utah,</p>	}	for Applicant, Oregon Short Line Railroad Company.
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REPORT AND ORDER OF THE COMMISSION

McKAY, Commissioner:

This matter came on regularly for hearing before the Public Utilities Commission of Utah on the 4th day of November, 1931, at Ogden, Utah, upon the application of the Oregon Short Line Railroad Company, a corporation, for permission to discontinue the operation of its station at Hot Springs, Utah, as an agency station.

From the evidence adduced for and in behalf of the applicant and the interested parties, the Commission finds:

That the applicant, the Oregon Short Line Railroad Company, is a corporation organized and existing by virtue of the Laws of the State of Utah, having its principal place of business in Utah and corporate office at 10 South Main Street, Salt Lake City, Utah; that it is a common carrier of freight and passengers and is engaged in operating a steam line of railroad in interstate and intrastate commerce within and through the State of Utah and other states.

That said railroad company is now and has been for a long time past operating at Hot Springs, Box Elder County, Utah, an agency station where it has at all times employed an agent for the purpose of transacting the business of the railroad at said station.

That Hot Springs is located in the southern part of Box Elder County, 8.8 miles north of Ogden, and approximately 12½ miles south of Brigham City on the main line of the Oregon Short Line Railroad, and the main highway parallels the railroad from Hot Springs to Brigham City. There are no industries or mercantile institutions established there. Pleasant View, a small town of about 450 inhabitants, is about two miles southeast of Hot Springs and uses this station as its shipping point, mostly fruit out and coal and beet pulp in.

A summary of exhibit "B" introduced at the hearing shows the following:

1929

Freight forwarded—carloads none; less-than-carloads 4 tons; revenue \$61.00.

Freight received—carloads 28; tons 821; revenue \$1,161; less-than-carloads 1 ton; revenue \$15.00.

1930

Freight forwarded—4 cars; 80 tons; \$715.00 revenue; less-than-carloads 26 tons; \$389.00 revenue.

Freight received—14 cars; 394 tons; \$611.00 revenue; less-than-carloads 2 tons; \$16.00 revenue.

1931 (First 9 months)

Freight forwarded—2 cars; 43 tons; \$99.00 revenue; less—than-carload revenue \$21.00.

Freight received—3 cars; 67 tons; \$190.00 revenue; less—than carloads 2 tons; revenue \$26.00.

From exhibit "C".

	Number of tickets	Revenue
1929	50	\$101.53
1930	24	80.15
1931 (First 9 months)	25	66.06

From exhibit "E".

Station expenses—1930, \$2,354.27; first nine months of 1931, \$1,734.68.

That the applicant proposes to care for all local shipments received at Hot Springs by placing the same in its warehouse and keeping the same under lock and key until delivered to the consignee, the key to be placed in the possession of a section foreman residing at or near the station, or with some other employee of the railroad company residing there; so that the public will not be seriously inconvenienced in receiving freight.

That should there be any outbound shipments of carload lots or less-than-carload lots at Hot Springs station, billing will be made through the agency station at Ogden or at Brigham City.

From the foregoing findings the Commission concludes and decides:

That the application of the Oregon Short Line Railroad Company herein to close its station as an agency station at Hot Springs, Box Elder County, Utah, should be granted, upon the condition that the applicant shall keep a section foreman or some other employee at said station for the purpose of protecting and caring for all local shipments to and out of said point.

IT IS THEREFORE ORDERED, That the application of the Oregon Short Line Railroad Company to close its station as an agency station at Hot Springs, Box Elder County, Utah, be, and the same is hereby granted; provided, however, that the applicant keep a section foreman or some other em-

ployee at said station for the purpose of protecting and caring for all local shipments to and out of said point.

(Signed) THOS. E. McKAY

We concur:

E. E. CORFMAN

G. F. McGONAGLE

Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COM- PANY, for permission to exercise the rights and privileges conferred by franchise granted by the City of Sandy, Salt Lake County, Utah.	}	Case No. 1246
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Submitted: November 16, 1931. Decided: November 18, 1931.

Appearances:

George R. Corey and A. C. Inman, Attorneys of Salt Lake City, Utah,	}	for Applicant, the Utah Light & Traction Company.
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REPORT OF THE COMMISSION

By the Commission:

On the 13th day of October, 1931, Utah Light & Traction Company filed before the Public Utilities Commission of Utah its application for a certificate of public convenience and necessity to exercise the rights and privileges conferred upon it by a franchise granted by the City of Sandy, Salt Lake County, Utah. Said matter came on regularly for hearing upon said application before the Commission at its office in Salt Lake City, Utah, at the State Capitol, after due notice given, on the 16th day of November, 1931. No protest nor objection to the granting of the application was made for or in behalf of any interested party.

From the evidence adduced for and in behalf of the applicant, and from the admitted facts shown by the records and files in the case, the Commission finds:

1. That the applicant, Utah Light & Traction Company,

is a corporation duly organized and existing under and by virtue of the Laws of the State of Utah, having for its business purposes, among other things, the operation of a street railway system in Salt Lake County, Utah; that for many years last past it has also owned an electrical distribution system in Sandy City, Salt Lake County, Utah, by means of which said city and the inhabitants thereof have been served with electricity for light, heat, power, and other useful purposes; that said electrical distribution system has been and is now leased to the Utah Power and Light Company, a corporation, by a 99 year lease dated January 2nd, 1915; that under said lease, and since the date thereof, Utah Power and Light Company has operated said electrical distribution system in Sandy City, under franchise rights granted by said city on March 22, 1906, to Utah Light & Railway Company, thereafter assigned to Utah Light & Traction Company, and transferred by the lease aforesaid from the applicant, Utah Light & Traction Company, to Utah Power and Light Company, and that on the 3rd day of April, 1931, the aforesaid franchise expired; that on the 2nd day of September, 1931, the applicant, Utah Light & Traction Company, acquired from said Sandy City a franchise authorizing it and its successors and assigns to continue to serve said Sandy City and the inhabitants thereof with electricity for light, heat, power, and other useful purposes, and to construct, maintain, and operate in the present and future streets, alleys, and public places in said City of Sandy electric light and power lines for such electrical service to said city and the inhabitants thereof, and to persons and corporations beyond the corporate limits of said Sandy City as well; that under and by virtue of the terms of the lease aforesaid the said franchise enures to the benefit of Utah Power & Light Company, lessee; that the aforesaid franchise and the transfer of the same by the applicant, to the Utah Power & Light Company, as lessor has been duly accepted and confirmed by the applicant, Utah Light & Traction Company, and the same was granted to the applicant as the owner of said electrical distribution system for the purpose of permitting the applicant and the Utah Power & Light Company to continue in the manner aforesaid to operate said electrical system and business as a public utility in said City of Sandy.

2. That at the present time the Utah Power & Light Company, under the lease aforesaid, is the only public utility engaged in the business of supplying Sandy City and the inhabitants thereof with electricity for heat, light, power, and other useful purposes, and that public convenience and necessity now requires, and will continue to require, maintenance

and operation of said electrical distribution system for the purposes and in the manner hereinbefore set forth.

From the foregoing findings and from the records and files in the case, all of which are expressly referred to and made a part hereof, the Commission concludes and decides:

That the application of the Utah Light & Traction Company for a certificate of public convenience and necessity as applied for herein should be granted.

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. 387

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 18th day of November, A. D., 1931.

<p>In the Matter of the Application of the UTAH LIGHT & TRACTION COM- PANY for permission to exercise the rights and privileges conferred by franchise granted by the City of Sandy, Salt Lake County, Utah.</p>	}	Case No. 1246
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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 of the Utah Light & Traction Company for a certificate of public convenience and necessity, authorizing and permitting it to exercise the rights and privileges conferred by franchise granted to it by the City of Sandy, Salt Lake County, Utah,

on the 2nd day of September, 1931, be, and it is hereby, granted.

ORDERED FURTHER, That the Utah Light & Traction Company be, and it is hereby authorized and permitted to maintain the necessary distribution system for supplying Sandy City, Salt Lake County, Utah, and the inhabitants thereof with electricity for heat, light, power, and all useful purposes as contemplated in said franchise granted as aforesaid.

By the Commission.

(Seal)

(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 permission to exercise the rights and privileges conferred by franchise granted by the City of Sandy, Salt Lake County, Utah.</p>	}	Case No. 1246
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ORDER

It appearing that in the above entitled matter the Commission on the 18th day of November, 1931, made and filed its report and order, and that in said order the Commission inadvertently failed to make mention of the Utah Power & Light Company as Lessee of the Utah Light & Traction Company.

NOW THEREFORE, IT IS HEREBY ORDERED, That Certificate of Convenience and Necessity No. 387, issued in said order, be, and the same is hereby, cancelled, annulled, and held for naught, and that in lieu thereof and upon the report and findings heretofore made and entered in the above entitled matter, the Commission issue a new certificate in accordance with the said report and findings of the Commission.

By order of the Commission.

(Seal)

(Signed) F. L. Ostler
Secretary.

AMENDED ORDER

Certificate of Convenience and Necessity

No. 388.

Cancels Certificate of Convenience and Necessity

No. 387

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 24th day of November, 1931.

In the Matter of the Application of the
UTAH LIGHT & TRACTION COM-
PANY, for permission to exercise the
rights and privileges conferred by
franchise granted by the City of Sandy,
Salt Lake County, Utah. } Case No. 1246

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 November 18, 1931, 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 Utah Light & Traction Company for a certificate of public convenience and necessity, authorizing and permitting it, and the Utah Power & Light Company, as its Lessee, to exercise the rights and privileges conferred by franchise granted to it by the City of Sandy, Salt Lake County, Utah, on the 2nd day of September, 1931, be, and the same is hereby, granted.

ORDERED FURTHER, That the Utah Light & Traction Company and the Utah Power & Light Company as its said Lessee, be, and they are hereby authorized and permitted to maintain the necessity distribution system for supplying Sandy City, Salt Lake County, Utah, and the inhabitants thereof with electricity for heat, light, power, and all useful purposes as contemplated in said franchise granted as aforesaid.

By order of the Commission.

(Seal)

(Signed) F. L. Ostler
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the
LOS ANGELES & SALT LAKE RAIL-
ROAD COMPANY, a Corporation, for
permission to discontinue the operation
of its station at Cutler, Utah, as an agency
station. } Case No. 1249

Submitted: November 23, 1931. Decided: December 11, 1931.

Appearance:

Mr. L. H. Anderson, Attorney for Applicant.

CORFMAN, Commissioner:

On the 22nd day of October, 1931, the Los Angeles & Salt Lake Railroad Company filed its application before the Public Utilities Commission of Utah for permission to discontinue the operation of its station at Cutler, Utah, as an agency station. Said application came on regularly for hearing before the Commission at Lehi, Utah, after due notice given, on the 6th day of November, 1931. From the evidence adduced for and in behalf of the applicant and the interested parties, the Commission finds:

That the applicant, the Los Angeles & Salt Lake Railroad Company, is a "railroad corporation," organized and existing under and by virtue of the laws of the State of Utah, with its principal place of business and corporate office at Salt Lake City. It is a common carrier of freight and passengers and for many years last past has been operating a main line of railroad in interstate and intrastate commerce, extending from Salt Lake City through Utah on to Los Angeles, California.

That the town or station called Cutler is situated on one of the principal branch lines of the Los Angeles & Salt Lake Railroad Company which serves cities and towns in Utah, Salt Lake, and Juab Counties, and connects with applicant's main line at Lynndyl in Millard County, Utah. Cutler is about one and one-fourth miles from Lehi, Utah County, where the applicant also maintains an agency station. Lehi and Cutler are connected by a paved highway and by a public telephone line. Practically any need of agency service at Cutler can now be rendered by the agent at Lehi without any serious inconvenience to shippers and patrons of applicant's

railroad. Cutler station was established by the applicant as an agency station for operating reasons that no longer exist.

That for the first nine months of the year 1931, the total expenses of maintaining an agency station at Cutler were \$1,688.98, and for the same period revenue on shipments in and out of Cutler amounted to only \$100.00. The amount of revenue derived from passenger tickets sold was but \$14.98.

That the applicant proposes to care for all local shipments received at Cutler by placing the same in its warehouse, and keeping the same under lock and key until delivered to the consignee, the key to be placed in the possession of a section foreman residing at or near the station, or with some other employe of the railroad company residing there so that the public will not be seriously inconvenienced in receiving freight.

That should there be any outbound shipments of carload lots or less than carload lots at Cutler, billing will be made through the agency station at Lehi. From the foregoing facts the Commission concludes and decides that public convenience and necessity no longer requires agency service at Cutler station, at the present cost of maintaining the same.

IT IS THEREFORE ORDERED, That the application herein, of the Los Angeles & Salt Lake Railroad Company, for permission to discontinue the operation of its station at Cutler, Utah, as an agency station, be, and the same is hereby, granted.

ORDERED FURTHER, That freight received and delivered at Cutler be handled and cared for by the applicant as proposed by it.

(Signed) E. E. CORFMAN

We concur:

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
OREGON SHORT LINE RAILROAD
COMPANY and THE UTAH IDAHO
CENTRAL RAILROAD COMPANY,
in connection with the Bamberger Elec-
tric Railroad Company and The Denver
& Rio Grande Western Railroad Com-
pany, for permission to file reduced rate
of $4\frac{1}{2}$ c per 100 pounds on brick and
building material from Harrisville to Salt
Lake City, Utah. } Case No. 1250

Submitted: October 26, 1931. Decided: October 26, 1931.

Mr. L. H. Anderson, Appearing for Oregon Short Line Rail-
road Co.

Mr. J. B. Hunter, Appearing for The Utah Idaho Central RR.
Co.

Mr. R. B. Needham, Appearing for Bamberger Electric RR.
Co.

Mr. H. W. Prickett, Appearing for S. L. Pressed Brick Co.

Mr. H. C. King, Appearing for Ogden Pressed Brick Co.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

Utah State Supplement "AD" to PUCU. No. 134 of the Oregon Short Line Railroad Tariffs and State Supplement "F" to PUCU. No. F-33 of The Utah Idaho Central Railroad Company naming rate of $4\frac{1}{2}$ c per 100 pounds on brick and building material from Harrisville to Salt Lake City, Utah, was filed on October 22, 1931. This matter came on regularly for hearing before the Public Utilities Commission at its office in the State Capitol, Salt Lake City, Utah, on October 26, 1931, at 10:00 A. M. upon the application of the applicants and certain protests made thereto for and in behalf of the Salt Lake Pressed Brick Company, and the Commission having made due investigation, and received the testimony for and in behalf of the interested parties, the record whereof is hereto attached and hereby referred to as the Commission's Exhibit "A", and is hereby made a part of the Commission's findings.

IT IS NOW ORDERED, That said objections of the said tariffs becoming effective be, and the same are hereby,

overruled, and that the said tariffs respectively, become effective October 27, 1931.

(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
UTAH POWER & LIGHT COMPANY,
for a certificate of convenience and neces-
sity to exercise the rights and privileges
conferred by franchise granted by the
City of Park City, Summit County, Utah. } Case No. 1251

Submitted: December 14, 1931. Decided: December 16, 1931.

Appearance:

A. C. Inman, Attorney of } for Applicant, Utah Power &
Salt Lake City, Utah, } Light Company.

REPORT OF THE COMMISSION

On the 6th day of November, 1931, Utah Power & Light Company made application to the Public Utilities Commission of Utah for a certificate of public convenience and necessity authorizing it to exercise the rights and privileges conferred by franchise granted by Park City, Summit County, Utah. Said application came on regularly for hearing before the Commission, after due notice given, at the office of the Commission in the State Capitol, Salt Lake City, Utah, on the 3rd day of December, 1931. From the records and files in the case and from the evidence adduced for and in behalf of the applicant, the Commission finds:

That the applicant, Utah Power & Light Company, is a corporation duly organized and existing under the Laws of the State of Maine; that as a foreign corporation it has duly qualified to transact business in the State of Utah, and that it is now the owner of and operates hydro-electric generating plants and transmission and distribution systems in the State of Utah, its principal place of business or office being maintained at Salt Lake City, Utah; that a certified copy of its articles of incorporation are on file with the Public Utilities Commission of Utah, and that it has in all respects complied

with the Laws of this State as an "electric corporation" doing business in Utah.

That for many years the applicant has owned and operated transmission lines and a distribution system in Park City, Summit County, Utah, rendering general electric service to said city and its inhabitants; that said service was rendered under a franchise originally granted by said Park City to its predecessors in interest and was assigned to the applicant in 1912, since when the applicant has rendered general electric service under said franchise to said city and its inhabitants; that on or about the 17th day of September, 1931, the applicant acquired from Park City, Summit County, Utah, an additional franchise authorizing it to serve Park City and its inhabitants with electricity for light, heat, and power, and other useful purposes, and to construct, maintain, and operate in the present and future streets, alleys, and in public places in said Park City electric light and power lines and equipment for such service to said Park City and its inhabitants, as well as to persons and corporations beyond the limits thereof.

That said Park City has a population of approximately 4,300 people; that the territory tributary to said city is productive of minerals, and extensive mining and milling operations are conducted therein.

That the applicant in serving the said territory maintains switches and substations in Park City, together with transmission lines passing through for the purpose of serving with electricity the mines operating in said territory.

From the foregoing findings of fact, the Commission concludes and decides:

That public convenience and necessity requires that the town of Park City and the inhabitants thereof be served with electricity for all useful purposes, and that the application of the Utah Power and Light Company herein should be granted.

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. 389

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, on
the 16th day of December, 1931.

<p>In the Matter of the Application of the UTAH POWER & LIGHT COMPANY, for a certificate of convenience and neces- sity to exercise the rights and privileges conferred by franchise granted by the City of Park City, Summit County, Utah.</p>	}	Case No. 1251
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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 Utah Power and Light Company, a corporation duly organized and existing under the Laws of the State of Maine and duly qualified and authorized to do business in the State of Utah, be, and it is hereby authorized and permitted, to construct, operate, and maintain the necessary transmission lines and all necessary electrical equipment for the serving of Park City, Summit County, Utah, and the inhabitants thereof with electrical energy for all useful purposes, including necessary transmission lines and other electrical equipment for the purpose of serving and aiding mining and milling operations that may be without the boundaries of the corporate limits of said Park City, but situated in the territory tributary thereto.

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 LIGHT & TRACTION COM-
PANY, for permission to construct, main-
tain, and operate an electric bus trans-
portation system on certain streets in
Salt Lake City, Utah, and to discontinue
street car service thereon. (West Temple
Line).

Case No. 1254

Submitted: December 14, 1931. Decided: December 16, 1931.

Appearance:

A. C. Inman, Attorney for Applicant.

REPORT OF THE COMMISSION

By the Commission:

On the 14th day of November, 1931, the Utah Light & Traction Company filed with the Public Utilities Commission its application for an order permitting it to construct, maintain, and operate an electric bus transportation system on certain streets in Salt Lake City, Utah, and to discontinue street car service thereon. Said application came on for hearing before the Commission at its office in the State Capitol, Salt Lake City, Utah, after due notice given on December 3, 1931. No protests were made or filed to the granting of the application as applied for. From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That the applicant, Utah Light & Traction Company, is a corporation duly organized and existing under and by virtue of the laws of the State of Utah, and that its articles of incorporation have been duly filed with the Public Utilities Commission; that it is now, and for many years past, has been the owner and operator of an electric street railway system in Salt Lake City, Utah.

That on the 20th day of April, 1931, in P. U. C. Case No. 1208, the Public Utilities Commission, upon application of said Utah Light & Traction Company, made and filed its order authorizing said Utah Light & Traction Company to discontinue street car service on and remove its tracks and equipment from West Temple Street between 13th South and 21st South Streets in Salt Lake City, and in lieu thereof to construct, maintain, and operate an automobile bus or trackless

trolley service thereon, of the same frequency and at the same fares to its patrons as are being charged for street car service.

That the applicant, Utah Light & Traction Company, now desires to extend and to construct, maintain, and operate its electric trolley bus transportation system and service in, on, over, and along the following streets in Salt Lake City, Utah:

“On West Temple Street between Second South and 21st South Streets; on First South Street between West Temple and Main Streets, and on Fourth South between West Temple and Main Streets;”

and to discontinue street car service on West Temple Street between 5th South and 13th South Streets, and the gasoline bus shuttle service on West Temple Street between 13th South and 21st South Streets, heretofore rendered under authority of said Certificate No. 381, issued in Case No. 1208.

That the said trackless electric trolley service will extend throughout the length of West Temple Street from 21st South Street, giving a direct service from said 21st South Street on West Temple Street into the business district of Salt Lake City and back again without the necessity of transferring at 13th South and West Temple Streets.

That said service will be the only available public transportation service on said streets now being applied for, and that, therefore public convenience and necessity requires the same. The application should be granted, provided, however, the applicant shall continue to maintain its street car tracks on and over West Temple Street as far as 13th South Street, for the purpose of providing street car accommodation so as to enable applicant to get its car equipment off Main Street in cases of emergency or undue congestion on said Main Street, and for the further purpose of operating its street cars to and from the Municipal Ball Park, situated on 13th South Street between West Temple and Main Streets, so as to provide adequate transportation for the public on special occasions and gatherings thereat.

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. 390.

Cancels Certificate of Convenience and Necessity

No. 381.

At a Session of the PUBLIC UTILITIES COMMISSION
OF UTAH, held at its office in Salt Lake City, Utah, this
16th day of December, 1931.

In the Matter of the Application of the
UTAH LIGHT & TRACTION COM-
PANY, for permission to construct, main-
tain, and operate an electric bus trans-
portation system on certain streets in Salt
Lake City, Utah, and to discontinue
street car service thereon. (West Temple
Line).

} Case No. 1254

This case being at issue upon application on file, and hav-
ing been duly heard and submitted by the parties and full in-
vestigation 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 Light & Traction Com-
pany be, and it is hereby, authorized to extend and to con-
struct, maintain, and operate its electric trolley bus trans-
portation system and service on, over, and along West Temple
Street between Second South and 21st South Streets, First
South Street between West Temple and Main Streets, and
Fourth South Street between West Temple and Main Streets;
and to discontinue street car service on West Temple Street
between 5th South and 13th South Streets, also the gasoline
bus shuttle service on West Temple Street between 13th
South and 21st South Streets, heretofore rendered under
authority of said Certificate No. 381, issued in Case No. 1208,
which is hereby cancelled and annulled.

ORDERED FURTHER, That the applicant, Utah Light
& Traction Company, shall continue to maintain its street
car tracks on and over West Temple Street as far as 13th
South Street, for the purpose of providing street car accom-
modation so as to enable applicant to get its car equipment off

Main Street in cases of emergency or undue congestion on said Main Street, and for the further purpose of operating its street cars to and from the Municipal Ball Park, situated on 13th South Street between West Temple and Main Streets to provide adequate transportation for the public on special occasions and gatherings thereat.

By order of the Commission.

(Signed) F. L. Ostler
Secretary.

(Seal)

INFORMAL DOCKETS HANDLED DURING THE YEAR 1931

No.	Description	Disposition	Amount Of Reparation
1.	State Road Commission of Utah, vs. The Denver & Rio Grande Western RR. Company and Bamberger Electric RR. Company.	Authorized to Reparate	\$110.70
2.	Darrell T. Lane, vs. The Mountain States Telephone & Telegraph Company. Re: Additional listing in telephone directory.	Pending.	
3.	Woods Cross Canning Company vs. Oregon Short Line Railroad Company. Re: Claim for reparation in the amount of \$569.93.	Pending.	
4.	C. B. Miller, vs. Utah Gas & Coke Co. Informal meeting held March 17, 1931.	Credit to Account.	6.84
5.	Morrison Merrill & Co., vs. Salt Lake & Utah Railroad Company and The Denver & Rio Grande Western Railroad Company. Re: Claim for reparation.	Carriers refused to publish rates to cover.	
6.	William Rose, et al., vs. Widtsoe Water Company. Re: Complaint of service and rates charged at Widtsoe, Utah.	Pending.	
7.	Investigation instituted by the Public Utilities Commission into the matter of protection of grade crossing over the tracks of The Utah Idaho Central Railroad Company at Brigham City, Utah.	Pending.	

No.	Description	Disposition	Amount Of Reparation
8.	Citizens and Coal dealers of Brigham City, Utah, vs. O. S. L. RR., U. I. C. RR., S. L. & U. RR., B. E. RR., and D. & R. G. W. RR. Informal meeting held March 3, 1931.	Carriers published reduced rates 25c lower than existing rates, during May, 1931. Satisfactory.	
9.	J. O. White, vs. The Denver & Rio Grande Western Railroad Co.	Authorized to Reparate	95.55
10.	Pacific States Cast Iron Pipe Company, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	124.09
11.	Colorado Animal By-Products Co., vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	60.96
12.	Sevier Valley Coal Company vs. The Denver & Rio Grande Western RR. Co.	Authorized to Reparate	81.14
13.	Ferdinand Erickson, vs. The Mountain States Telephone & Telegraph Company. Re: App'n. for extension of telephone service at Monroe, Utah.	Cost of extension too much for the amount of revenue to be derived.	
14.	Lloyd Garrison, rep. Utah Coal Producers Association vs. Utah Gas & Coke Company. Re: Alleged open bypass at Cudahy Packing plant.	Informal meeting held Jan. 19, 1931. Investigation showed no open bypass.	
15.	Nellie Colvin, vs. Utah Gas & Coke Company. Re: Gas bills and gas equipment. Informal meeting held Feb. 3, 1931. Further investigation promised.	Matter dropped for lack of further prosecution.	

No.	Description	Disposition	Amount Of Reparation
16.	J. R. Munk, et al., vs. The Denver & Rio Grande Western Railroad Company. Re: Gates and cattle guards at crossing near M.P. T56 and T57, between Manti and Ephraim.	Pending.	
17.	Certain citizens of Salt Lake City, vs. Utah Power & Light Company. Relief to unemployed through electric rates. Informal meeting held, February 2, 1931.	Relief as desired discriminatory. Power Company not in position to make rate reduction at that time.	
18.	Investigation of the Public Utilities Commission of a collision between train of The Denver & Rio Grande Western RR. Co., and truck load of explosives at Cudahy crossing, North Salt Lake, resulting in 3 deaths.	Investigation held February 7, 1931. Commission represented by R. N. Slau-ghter. See also Informal Docket No. 26.	
19.	App'n. Bluestone Lime & Quartzite Company to waive provisions of General Order No. 25, in the construction of an unloading trap at Stockton, Utah.	Clearance Permit No. 7 issued February 10, 1931.	
20.	Fred Brown, vs. Peoples Light & Power Company. Re: Complaint of charges made, and practices in metering houses, and making extensions.	Pending.	
21.	Claude Asher, et al., vs. Utah Gas & Coke Company.	See Case No. 1221.	
22.	Mrs. G. E. Andreason, vs. Utah Gas & Coke Company	Credit to account authorized for	6.65

No.	Description	Disposition	Amount Of Reparation
23.	Lester Spencer, vs. Escalante Light & Power Company. Re: Complaint of poor service.	Pending.	
24.	Mrs. Laura Chappell, vs. Utah Gas & Coke Company. Re. Complaint of interruption of gas service on Jan. 1, 1931. Claim for damages.	Commission without au- thority to order damages.	
25.	Amos Epperson, vs. Utah Gas & Coke Company.	Credit to account author- ized for	83.63
26.	Public Utilities Commission vs. The Denver & Rio Grande Western RR. Co. and Oregon Short Line Railroad Co. Re: Installation of signal devices at Cudahy crossing, No. Salt Lake.	O. S. L. signal installed May 2, 1931. D. & R. G. W. R. R. installation await- ing outcome of litigation.	
27.	App'n. Spring Canyon Coal Company to waive provi- sions of General Order No. 25, in the construction of a rescuer at Spring Canyon, Utah.	Clearance Permit No. 8, issued February 27, 1931.	
28.	Mr. & Mrs. Vinson E. Stephenson, vs. Utah Power & Light Company. Re: App'n. for extension of electric service to residence at Lewiston, Utah.	Complainants could not afford cost of extension, and revenue not sufficient for Def. to do so.	
29.	Utah Oil Refining Co., vs. Los Angeles & Salt Lake Railroad Co., and Utah Railway Co.	Authorized to Reparate	79.53
30.	Miller Floral Company, vs. Alva L. Coleman. Re: Delay in transportation of funeral spray from Salt City to Roosevelt, Utah.	File closed for lack of further prosecution.	

No.	Description	Disposition	Amount Of Reparation
31.	Investigation into the matter of changing signal device at crossing of the Bamberger Electric Railroad near Cudahy Packing plant, North Salt Lake, Utah.	Commission authorized substitution of signal device similar to Griswold type. Signal installed.	
32.	Deseret Mortuary Co., vs. Ogden Gas Company.	Credit to account authorized for	43.54
33.	Snow Brothers, Inc., vs. Lund & Barton. Re: Delay in delivery and charges for transportation of bread.	Charges based on actual weights, and delivery in accordance with time schedule in most instances.	
34.	App'n. Salt Lake & Utah Railroad Company, to waive provisions of General Order No. 25, in the construction of an ore loading trap near Pleasant Grove, Utah.	Clearance Permit No. 9, issued March 5, 1931.	
35.	H. H. Stevens, et al., vs. S. W. James. Re. Watering facilities for livestock at Indian Springs, Utah.	Commission advised on April 25, 1931 that satisfactory facilities had been installed.	
36.	N. W. Aldrich, vs. The Mountain States Telephone & Telegraph Co. Re: Installation of hand set telephone.	Complaint satisfied.	
37.	Citizens residing on 6th West near 4th North Streets, Salt Lake City, Utah, vs. The Denver & Rio Grande Western Railroad Co. Re: Speeding of trains within city limits, causing damage to property.	Informal meeting held March 17, 1931. Def. and City officials agreed to cooperate to eliminate this practice.	

No.	Description	Disposition	Amount Of Reparation
38.	B. F. Reeves, vs. Utah Gas & Coke Company.	Credit to account authorized for	123.34
39.	W. H. Broadbent, vs. Utah Power & Light Company. Re: Extension of electric to residence at Ogden, Utah.	Commission advised May 5, 1931, that extension had been made.	
40.	E. J. Jeremy vs. The Western Pacific Railroad Company.	Authorized to Reparate	230.00
41.	Investigation of the Public Utilities Commission of accident which occurred on the Southern Pacific Railroad at the Ogden Railroad Yards, March 15, 1931, resulting in fatal injury to Ford Hunt.	Commissioner McKay attended the investigation at Ogden, on March 17, 1931.	
42.	Ogden Lithographing Company, vs. Bamberger Electric Railroad Co.	Authorized to Reparate	5.18
43.	C. J. Barrett, vs. Utah Power & Light Company. Re: Demand for additional deposit, and disconnection of service.	Def. agreed to reconnect service without additional deposit.	
44.	Albert J. Southwick, vs. Utah Gas & Coke Company.	Credit to account authorized for	2.25
45.	William J. DeBry, vs. Utah Gas & Coke Company.	Credit to account authorized for	4.71
46.	A. C. Kirk, vs. Utah Gas & Coke Company. Re: Installation of old furnace for new one.	Dismissed for lack of jurisdiction.	

No.	Description	Disposition	Amount Of Reparation
47.	Utah Copper Company vs. Bingham & Garfield Railway Co.	Authorized to reparate	951.49
48.	American Smelting & Refining Co., vs. Los Angeles & Salt Lake Railroad Company.	Authorized to waive under-charges of	256.96
49.	Morton Salt Company vs. The Denver & Rio Grande Western Railroad Co. Re: Rate of 6½¢ on salt from Provo to Heber City, Utah.	I. & S. Docket No. 26 issued, suspending rate until June 30, 1931, when rate expired.	
50.	B. F. McIntire vs. M. Anderson. Re: Infringement on certificate of convenience and necessity of complainant.	File closed for want of prosecution.	
51.	Establishment of rates on grain & grain products between points in Utah to basis of distance scale established by the Interstate Commerce Commission to become effective June 1, 1931.	Informal hearing held April 7, 1931. Carriers agreed to publish rates. Special Permit No. 1769 issued, authorizing publication.	
52.	App'n. Royal Coal Company to construct coal rescreeener at Castle Gate, Utah, with impaired clearances.	Clearance Permit No. 10, issued April 10, 1931, waiving provisions of General Order 25.	
53.	W. B. Erickson, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	15.00

No.	Description	Disposition	Amount Of Reparation
54.	James Gibson, vs. Utah Power & Light Company. Re: Extension of electric service from Tenth North to 12th North on Redwood Road.	Compl. not in position to finance extension. Not sufficient revenue to pay Def. to do so.	
55.	Public Utilities Commission, vs. The Denver & Rio Grande Western RR. Co., and Salt Lake & Utah RR. Co. Re: Installation of flashing signal at grade crossing on Highway 91 at Springville, Utah.	Pending.	
56.	Wheelwright Construction Company, vs. L. A. & S. L. RR., O. S. L. RR. and U. P. RR. Re: Claim for reparation for \$140.70.	Carriers refused to make reparation.	
57.	Wheelwright Construction Company vs. U. P. RR., O. S. L. RR. and L. A. & S. L. RR. Re: Claim for reparation for \$39.50.	Pending.	
58.	Blue Blaze Coal Company vs. The Denver & Rio Grande Western R. R. Co.	Authorized to Reparate	\$142.83
59.	Sevier Valley Coal Company vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	76.80
60.	Sevier Valley Mercantile Company, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	78.10
61.	C. R. Cutting vs. Utah Gas & Coke Company. Re: Alleged excessive gas bills.	Bills found to be less than estimate.	

No.	Description	Disposition	Amount Of Reparation
62.	Charles Nielson, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to waive collection of	94.10
63.	American Foundry & Machine Co., vs. Los Angeles & Salt Lake Railroad Company.	Authorized to Reparate	33.72
64.	Bonneville Lumber Co., vs. The Denver & Rio Grande Western Railroad Co.	Authorized to Reparate	100.62
65.	M. M. Butler, for Utah Gas Combustion Service, vs. Utah Gas & Coke Company. Re: Unit prices for installation of service pipes.	Informal meeting held June 24, 1931. Outside jurisdiction of Commission.	
66.	Curtis Coal Company, vs. The Denver & Rio Grande Western Railroad Co.	Authorized to Reparate	74.24
67.	Bonneville Lumber Company, vs. The Denver & Rio Grande Western RR. Co.	Authorized to Reparate	82.96
68.	J. L. Rasmussen, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to waive collection of	102.48
69.	Hi-Heat Coal Company, vs. Salt Lake & Utah Railroad Company.	Authorized to Reparate	77.26
70.	Curtis Coal Company, vs. The Denver & Rio Grande Western Railroad Co.	Authorized to waive collection of	123.50
71.	Mrs. Lizzie B. Needham, vs. Utah Gas & Coke Company. Re: Removal of gas conversion burner, and cancellation of contract for balance due.	Def. refused to make adjustment or take back burner.	

No.	Description	Disposition	Amount Of Reparation
72.	Mrs. Daniel P. Thomas, vs. Utah Power & Light Company. Re: Connection of electric service at Provo, Utah.	Commission advised on July 6, 1931, that connection would be made in a few days.	
73.	John Lawrence, vs. Utah Gas & Coke Company.	Authorized to credit account with	40.00
74.	Union Stockyards Company vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	45.78
75.	Western Lime & Silica Company, vs. Bamberger Electric Railroad Co.	Authorized to Reparate	188.50
76.	L. E. Peterson, et al., vs. Utah Light & Traction Company. Re: Petition for change in street car service and schedule to Sandy and vicinity.	Changes made in schedule to satisfaction of petitioners.	
77.	Hyrum Bosen, vs. Utah Power & Light Company. Re: Alleged excessive charges for electric service.	Adjustment made to satisfaction of complainant.	
78.	Dr. C. Lind, vs. Utah Gas & Coke Company.	Authorized to credit account with	13.70
79.	A. Garside, vs. Riverton Pipe Line Company. Re: Alleged wasteful practices, resulting in shortage of water supply.	Condition found due to extremely dry season.	
80.	Clarence Bamberger, vs. Mountain States Telephone & Telegraph Co. Re: Interruption in telephone service.	Service restored shortly after complaint was made.	

No.	Description	Disposition	Amount Of Reparation
81.	Third Ward Civic Association, vs. Utah Light & Traction Company. Re: Alleged poor street car service on 4th North and North 5th West Streets.	Charts submitted did not show unusual discrepancies in time schedules	
82.	Utah Fuel Company vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	57.41
83.	Utah Fuel Company, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	50.09
84.	Martin Coal Company, vs. The Denver & Rio Grande Western Railroad Co.	Authorized to Reparate	8.85
85.	Stewart Brothers Coal Co., vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	11.55
86.	Stacey Manufacturing Company, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	35.25
87.	Citizens of Moroni, vs. The Denver & Rio Grande Western Railroad Co., Re: Closing of railroad station on Saturdays.	Def. agreed to keep station open on Saturdays.	
88.	Clarence Bamberger, vs. The Denver & Rio Grande Western Railroad Company. Re: Protection of crossings on Park City branch near S. L. Country Club, also obstructions of weeds and shrubs.	On investigation, crossings found to be properly protected. Commission advised right of way would be cleared.	

No.	Description	Disposition	Amount Of Reparation
89.	R. W. Jack, vs. Utah Gas & Coke Co. Re: Extension of gas service.	Informal meeting held Aug. 19, 1931. Mr. Jack later requested that complaint be dismissed.	
90.	E. T. Walton, vs. The Mountain States Telephone & Telegraph Co. Re: Alleged difference in telephone rates for similar service.	Complaint satisfied.	
91.	Hazel Jeppson, vs. Utah Gas & Coke Company. Re: Unsatisfactory gas equipment. Informal meeting held August 19, 1931.	Def. agreed to take back equipment on the payment of \$10.00, contract to be terminated.	
92.	Combined Metals Reduction Company, vs. Oregon Short Line Railroad Company.	Authorized to Reparate	111.15
93.	United States, Smelting, Refining & Mining Company, vs. Bingham & Garfield Ry. Co., and The Denver & Rio Grande Western Railroad Co.	Authorized to Reparate	41.91
94.	Horace M. Cummings, vs. Utah Gas & Coke Company.	Authorized to credit account with	6.25
95.	Salt Lake Pressed Brick Company, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	8.47
96.	Stockgrowers, Inc., vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	3.00

No.	Description	Disposition	Amount Of Reparation
97.	Standard Fuel Company, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to Reparate	8.00
98.	C. F. Dean, et al., vs. Utah Light & Traction Company. Re: Petition for street car or bus service in vicinity bet. 27th and 33rd South and Hyland Drive and 20th South, Salt Lake City.	Informal meeting held June 16, 1931. After thorough survey, Def. decided service would not pay, and refused to render same.	
99.	Loyal Order of Moose, vs. The Mountain States Telephone & Telegraph Co. Re: Toll calls made by non-member, without authority to do so.	Bill adjusted to satisfaction of complainant.	
100.	J. D. Hooper, vs. The Denver & Rio Grande Western Railroad Co., Re: Parking of freight cars for long periods of time on highway through Town of Hooper.	Commission advised that cars would be removed, and this condition would be watched more carefully.	
101.	Alfred Michaelis, vs. Utah Power & Light Company. Re: Complaint of method of handling accounts at two plants of Garland Tremonton Milling Company.	Explained to satisfaction of complainant.	
102.	Horace H. Cummings, vs. Utah Gas & Coke Company. Re: Bill of \$7.44 balance left by tenant.	Complainant agreed to pay \$2.50. Balance charged to unpaid accounts.	
103.	C. E. Herrick, vs. Utah Gas & Coke Company. Re: Demand for payment for relocation of practically new gas line.	Mistake in records of Defendant. Complainant not required to pay for relocation of line.	

No.	Description	Disposition	Amount Of Reparation
104.	C. H. Hales, vs. Ogden Gas Company.	Authorized to credit account with	5.32
105.	L. H. Swaner, vs. Utah Gas & Coke Company.	Authorized to credit account with	47.35
106.	Spring Canyon Coal Company, vs. Utah Railway Company.	Authorized to Reparate	11.70
107.	M. J. Strigham, vs. Riverton Pipe Line Company. Re: Complaint of restrictions on use of water.	All users restricted alike due to extreme dry season.	
108.	Joseph Anderson, vs. Utah Gas & Coke Company.	Authorized to credit account with	22.80
109.	Citizens and Coal Dealers of Utah County, vs. Utah Ry., D. & R. G. W. RR., S. L. & U. RR. and L. A. & S. L. RR. Re: Petition for investigation of coal rates between points in Carbon County and Utah County.	Informal meeting held Nov. 10, 1931. Pending.	
110.	Spiker Tile & Pottery Company, vs. Utah Gas & Coke Company.	Authorized to credit account with	33.40
111.	Mrs. Edith Beasley, vs. Utah Gas & Coke Company, Re: Complaint of damage to property by improper condensation due to faulty installation of equipment.	Adjustment made to satisfaction of complainant.	

No.	Description	Disposition	Amount Of Reparation
112.	E. S. Schmantz, vs. Utah Power & Light Company. Re: Installation of electric service to home in mouth of Weber Canyon.	Plan agreed upon for installation satisfactory to complainant.	
113.	Providence Confectionery Co., vs. Utah Power & Light Company. Re: Disconnection of service due to non-payment of bill.	Service restored with understanding that part of delinquent bill be paid each month and current bills paid up.	
114.	Curtis Coal Company, vs. The Denver & Rio Grande Western Railroad Co.	Authorized to waive collection of	11.82
115.	Salt Lake Pressed Brick Company, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to waive collection of	27.63
116.	Sugar House Coal Company, vs. The Denver & Rio Grande Western Railroad Company.	Authorized to refund	10.65
117.	Consolidated Wagon & Machine Company, vs. Streepers Transportation Company. Re: Loss of shipment of stoneware, consigned to branch at Brigham City, Utah.	Commission advised claim was pending action of insurance company, as loss was due to a wreck.	
118.	Reed Starley, vs. Telluride Power Company. Re: Meter box and charges.	Complaint dismissed.	
119.	Pacific Fruit & Produce Co., vs. Salt Lake & Utah Railroad Company.	Authorized to Refund	33.53

No.	Description	Disposition	Amount Of Reparation
120.	Weber Central Dairy Ass'n. vs. Oregon Short Line Railroad Company.	Authorized to Refund	34.66
121.	Lowell Murphy, et al., vs. National Coal Company. Re: Petition for electric service from defendant.	Service rendered to employees only on company property. Petitioners not employees, but live on company property. No jurisdiction.	
122.	L. L. Sizemore, vs. The Denver & Rio Grande Western Railroad Company. Re: App'n. for wagon crossing over tracks of defendant, near Bridge 18-A.	Pending.	
123.	E. W. Cooper, vs. Dixie Power Company. Re: App'n. for extension of electric service to home at Washington, Utah.	Compl. has not the funds to advance the required amount as provided by Extension Rule.	
124.	J. L. Oliver, vs. Blue Mountain Irrigation Company. Re: Complaint of interruptions of service.	Interruptions in electric service due to weather conditions and low water pressure, unavoidable.	
125.	Jos. E. McPhie, vs. Utah Gas & Coke Company. Re: Damage to property due to faulty construction of extension to chimney and improper condensation.	Adjustment made to satisfaction of complainant.	

No.	Description	Disposition	Amount Of Reparation
126.	Citizens of Magna, Utah, vs. Salt Lake & Utah Railroad Company. Re: Petition for change in time schedule between Salt Lake City and Magna, Utah.	Defendant refused to make any change in time schedule without formal hearing and an order from the Commission.	
127.	Farmers Union Mills, vs. Utah Power & Light Company. Re: Complaint of rates charged for power.	Pending.	
128.	Grover Summers, vs. Oregon Short Line Railroad Company. Re: Closing of depot at night.	Commission advised that this has been customary for many years, but if anyone waiting for a legitimate purpose desired to wait in waiting room, attendant would permit them to do so.	
129.	J. L. West, et al., vs. The Mountain States Telephone & Telegraph Company. Re: Petition of merchants in vicinity of 33rd South and Hyland Drive for an adjustment of telephone rates.	Pending.	
130.	Mrs. Margaret Winter, vs. Utah Power & Light Company. Re: Complainant's desire to cancel contract entered into between Jens Winter and Defendant.	Pending.	

No.	Description	Disposition	Reparation Amount Of
131.	Lafe Bown, vs. Uintah Railway Company. Re: Shipment of carload of corn from Westwater, originating Nebraska point, to Rainbow, request for emergency rate and reparation to that basis.	Pending.	
132.	W. H. Wright & Sons Co., vs. Utah Power & Light Company. Re: Complaint of charges made for electric service.	Pending.	
TOTAL REPARATION AUTHORIZED.....			\$4,136.94

SPECIAL PERMISSIONS ISSUED DURING THE YEAR 1931

Name	Number Issued
All Railroads on Grain & Grain Products.....	1
American Railway Association	2
Bamberger Electric Railroad Company	4
Big Springs Power Company	1
Dixie Power Company	1
Eastern Utah Transportation Company	1
Hout, D. R.	1
Hout, Howard	1
Hurless, G. E., Agent	1
Interstate Transit Lines	1
Local Utah Freight Tariff Bureau	46
Los Angeles & Salt Lake Railroad Company	12
Milne, J. J., & Lund & Barton	1
Oregon Short Line Railroad Company	20
Park Valley Rosette Telephone Company	1
Pickwick Stage Lines, Inc.	2
Railway Express Agency	5
Rio Grande Motor Way, Inc.	13
Salt Lake & Ogden Transportation Company	4
Salt Lake & Utah Railroad Company	5
Southern Pacific Company	1
Spencer, Howard J.	1
Sterling Transportation Company	9
The Denver & Rio Grande Western Railroad Company..	63
The Mountain States Telephone & Telegraph Company ..	1
The Utah Idaho Central Railroad Company	14
The Western Pacific Railroad Company	1
Telluride Power Company	1
Union Pacific Railroad Company	13
Union Pacific Stage Line	1
Utah Central Transfer Company	2
Utah Central Truck Line	1
Utah Light & Traction Company	10
Utah Power & Light Company	4
Utah Rapid Transit Company	1
Utah Railway Company	2
Wasatch Gas Company, et al.	2
Western Passenger Association	1
Western States Utilities Company	1
Western Union Telegraph Company	1

TOTAL.....253

GRADE CROSSING PERMITS ISSUED DURING THE
YEAR 1931

Number	To Whom Issued	Location
160	The Denver & Rio Grande Western Railroad Co.	Utah County
161	The Denver & Rio Grande Western Railroad Co.	Murray, Utah
162	Los Angeles & Salt Lake Railroad Co.	Nephi, Utah
163	Los Angeles & Salt Lake Railroad Co.	Juab County
164	The Denver & Rio Grande Western Railroad Co.	Wilson Lane, Ogden, Utah.
165	The Western Pacific Railroad Co.	Salt Lake City, 1st West.
166	Utah Idaho Sugar Company.	Garland, Utah.
167	Salt Lake & Utah Railroad Co.	Provo, Utah.
168	Ogden Union Railway & Depot Co.	Pacific Ave., Ogden, Utah.

CERTIFICATES OF CONVENIENCE AND NECESSITY ISSUED DURING THE YEAR 1931

Certif- cate No.	Case No.	Classification	Between	At*	And	To Whom Issued
373	1189	Power & Light	Utah County*			Telluride Power Company
374	1203	Auto Passenger	Salt Lake City		Price and Vernal	Utah Basin Stages
375	1183	Auto Passenger & Freight	Moab		Thompsons, Via Cisco to Colorado-Utah Line, Via Green River to Price.	
376	1206	Auto Passenger, Freight & Express	Silver City		Provo	Moab Garage Company
377	1207	Auto Passenger	Heber City, via Parleys Canyon		Salt Lake City	Utah Central Transfer Company
378	1184	Natural & Artificial Gas	Provo, Pleasant Grove, Orem			Coleman, Alva L.
379	1204	Telephone & Telegraph	London, American Fork & Lehi*			Wasatch Gas Company
380	1190	Auto Passenger & Express	National Parks in Southern Utah*			Utah Parks Company
381	1208	Passenger Bus	Salt Lake City (West Temple St.)*		Price	Salt Lake & Eastern Utah Stage Line
382	1128	Auto Passenger, Baggage & Express	Salt Lake City		Utah-Wyoming Line	Utah Light & Traction Company
383	1173	Auto Passenger, Baggage & Express	Brighton City, via Tremonton		Price	Interstate Transit Lines
384	1194	Auto Freight & Express	Salt Lake City		Price	Union Pacific Stages, Inc.
385	1214	Auto Passenger	Salt Lake City		Payson	Rio Grande Motor Way, Inc.
386	1238	Water System	Delta*			Salt Lake & Utah Railroad Company
387	1246	Power, Light & Heat	Sandy*			Joseph, Harry S.
388	1246	Power, Light & Heat	Sandy*			Utah Light & Traction Company
389	1251	Power & Light	Park City*			Utah Light & Traction Company
390	1254	Electric Bus	Salt Lake City (West Temple St.)*			Utah Power & Light Company

PERMITS ISSUED DURING THE YEAR 1931

Per- mit No.	Case No.	Nature	Between	And	To Whom Issued	Remarks
9	1216	Automobile Bus	Salt Lake Fair Grounds	Salt Lake Airport	Utah Light & Traction Co.	Operations Discontinued
10	1227	Automobile Bus	Warner	Tooele	Tooele Valley Railway Co.	
11	1233	Automobile Bus	9th So. & 15th E. Streets	Hogle Zoological Park	Utah Light & Traction Co.	

**ELECTRIC LIGHT & POWER UTILITIES OPERATING IN UTAH, OPERATIONS FOR THE YEAR ENDED
DECEMBER 31, 1930**

	Utah Power & Light Co.	Telluride Power Co.	Dixie Power Company	Uintah Power & Lt. Company	Bountiful Lt. & Power Company
Operating Revenues:					
Sales of Current.....	\$10,596,044.17	\$ 253,798.85	\$ 165,565.89	\$ 38,675.28	\$ 38,786.16
Other Revenues.....	36,709.52	16,709.08	4,556.22		208.51
Total Operating Revenues.....	\$10,632,753.69	\$ 270,507.93	\$ 170,122.11	\$ 38,675.28	\$ 38,994.67
Operating Expenses:					
Steam Power Generation.....	\$ 202,020.11	\$	\$	\$	\$
Hydro-Electric Generation.....	360,768.36	24,340.53	20,211.52		
Gas Power Generation.....			12,608.43		
Miscellaneous Production Expenses.....	556,604.81	17,684.95	3,985.50		14,712.01
Transmission Expenses.....	234,840.18	12,542.67	3,949.42		
Distribution Expenses.....	498,274.85	27,351.74	6,621.05		6,546.09
Utilization Expenses.....	165,314.89	3,152.93	662.37		
Commercial Expenses.....	365,950.97	16,785.80	13,052.34		2,316.54
New Business Expenses.....	171,356.27	7,155.55	478.60		
General and Miscellaneous Expenses.....	621,657.81	70,287.96	24,425.53		9,081.38
Other Operating Expenses.....	107,529.34*				
Total Operating Expenses.....	\$ 3,284,317.59	\$ 179,302.13	\$ 85,995.76	\$ 22,638.09^a	\$ 32,656.02
Total Accounts Uncollectible.....	26,846.81	3,794.06	413.91		246.22
Taxes.....	1,411,420.12	22,500.00	14,313.08	3,639.89	922.96
Total Revenue Deductions.....	4,722,584.52	205,596.19	100,722.75	26,277.98	33,825.20
Operating Income.....	5,910,169.17	64,911.74	69,399.36	12,397.30	5,169.47
Plant Rental.....	730,267.17				
Operating Income for Return.....	\$ 5,179,902.00	\$ 64,911.74	\$ 69,399.36	\$ 12,397.30	\$ 5,169.47
Fixed Capital at End of Year.....	\$81,733,957.42	\$1,659,623.62	\$1,368,960.61	\$337,341.87	\$ 88,471.94

*Auxiliary Operations

^aSegregation not available.

**ELECTRIC LIGHT & POWER UTILITIES OPERATING IN UTAH, OPERATIONS FOR THE YEAR ENDED
DECEMBER 31, 1930**

	*Pahvant Power & Light Co.	▲Telluride Ut- ilities Co.	Big Springs Power Co.	Western States Ut. Co.	Swan Creek Electric Co.
Operating Revenues:					
Sales of Current.....	\$ 11,570.41	\$ 18,460.34	\$ 20,017.82	\$ 22,739.77	\$ 8,562.00
Other Revenues.....	455.68	3,101.36	580.26	272.87	
Total Operating Revenues.....	\$ 12,026.09	\$ 21,561.70	\$ 20,598.08	\$ 23,012.64	\$ 8,562.00
Operating Expenses:					
Hydro-Electric Generation.....					
Miscellaneous Production Expenses.....	\$ 8,421.23	\$ 7,056.48	\$ 2,470.65	\$ 7,595.19	\$ 3,739.63
Transmission Expenses.....	788.37	227.67	434.00		562.61
Distribution Expenses.....	832.93	3,164.54	928.48	1,248.86	798.00
Utilization Expenses.....	62.21	172.75	63.01	502.16	
Commercial Expenses.....	1,015.80	1,888.47	808.05	1,722.45	
New Business Expenses.....	37.50	612.51	565.67	408.89	
General and Miscellaneous Expenses.....	1,661.74	5,855.88	5,016.31	6,398.95	1,700.00
Total Operating Expenses.....	\$ 12,819.78	\$ 18,978.30	\$ 10,594.21	\$ 17,876.50	\$ 6,800.24
Total Accounts Uncollectible.....	117.69	100.00	60.00	139.89	
Taxes.....		839.09	1,701.32	724.26	108.05
Total Revenue Deductions.....	12,937.47	19,917.39	12,355.53	18,740.65	6,908.29
Operating Income for Return...	\$ 911.38-Red	\$ 1,644.31	\$ 8,242.55	\$ 4,271.99	\$ 1,653.71
Fixed Capital at End of Year.....	\$	\$108,687.04	\$107,479.17	\$ 56,279.25	\$ 34,670.00

* For four months' period ended April 30, 1930.

▲ For eight months' period ended December 31, 1930..

▼ See Telluride Utilities Company.

**GAS UTILITIES OPERATING IN THE STATE OF UTAH, OPERATIONS FOR THE YEAR ENDED
DECEMBER 31, 1930**

	Utah Gas & Coke Co.	Ogden Gas Company	Wasatch Gas Company	Utah Valley Gas & Coke Co.	Uintah Gas Company
Operating Revenues:					
Metered Sales to General Consumers.....	\$ 791,472.01	\$ 203,014.22	\$ 263,264.24	\$ 66,575.35	\$ 21,443.89
Merchandise and Miscellaneous.....	84,756.38-Red	30,788.59-Red	770.61-Red	1,850.97	6,292.86
Total Operating Revenues.....	\$ 706,715.63	\$ 172,225.63	\$ 262,493.63	\$ 68,426.32	\$ 27,736.75
Operating Expenses:					
Maintenance-Gas Production.....	\$	\$	\$	\$	\$
Gas Purchased.....	507,034.50	132,836.59	204,052.05	22,217.85	
Transmission and Distribution Expenses.....	164,968.88	42,551.44	41,525.31	7,769.02	
Commercial Expenses.....	70,310.62	21,300.35	12,162.53	6,412.13	
New Business Expenses.....		54,133.37	38,249.69	262.54	
Retirement Expense.....	69,949.85	28,293.51	9,554.94		
General and Miscellaneous Expenses.....	115,891.88	38,882.05	28,555.57	11,925.52	
Duplicate Production Charges-Cr.....				132.66	
Total Operating Expenses.....	\$ 928,155.73	\$ 317,997.31	\$ 334,100.09	\$ 48,520.61	\$ 20,735.01*
Uncollectible Accounts.....	4,483.23	506.35	8.00	144.76	
Taxes.....	76,063.71	14,008.07	17,934.69	2,817.12	2,790.39
Total Revenue Deductions.....	1,008,702.67	332,511.73	352,042.78	51,482.49	23,525.40
Operating Income.....	\$ 301,987.04-Red	\$ 160,286.10-Red	\$ 89,549.15-Red	\$ 16,943.83	\$ 4,211.35
Fixed Capital at End of Year.....	\$8,676,772.74	\$1,720,668.81	\$2,948,569.12	\$ 700,162.95	\$159,301.53

* Segregation not available.

ELECTRIC RAILROADS, OPERATIONS WITHIN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1930.

	Bam. Elec. R. R. Co.	S. L. & U. R. R. Co.	S. L., Garfield & W. R. R. Co.	U. I. Cen. R. R. Co.
Railway Operating Revenues:				
Total Revenue from Transportation.....	\$ 500,789.93	\$ 711,444.13	\$ 140,974.68	\$ 607,512.24
Total Revenue from other Railway Operations.....	10,684.46	15,936.73	1,687.95	52,290.09
Total Operating Revenues.....	\$ 511,474.39	\$ 727,380.86	\$ 142,662.63	\$ 659,802.33
Railway Operating Expenses:				
Way and Structures.....	\$ 90,752.29	\$ 118,216.81	\$ 13,080.17	\$ 95,782.66
Equipment.....	50,844.68	75,655.82	24,276.90	64,006.48
Power.....	60,648.40	93,166.26	17,044.70	81,203.95
Conducting Transportation.....	68,706.63	158,280.43	22,611.41	156,890.55
Traffic.....	20,888.48	34,124.70	5,167.95	13,103.51
General and Miscellaneous.....	158,381.02	197,264.17	25,329.12	107,785.98
Transportation for Investment-Cr.....				
Total Railway Operating Expenses.....	\$ 450,221.50	\$ 676,708.19	\$ 107,510.25	\$ 518,773.13
Net Revenue, Railway Operations.....	61,252.89	50,672.67	35,152.38	141,029.20
Taxes Assignable to Railway Operations.....	36,499.81	43,522.62	6,293.88	48,861.46
Operating Income.....	\$ 24,753.08	\$ 7,150.05	\$ 19,654.16	\$ 92,167.74
Mileage of Road Operated.....	36.90	76.10	16.73	120.93
Operating Ratio-Oper. Exp. to Oper. Rev.....	88.02%	93.03%	75.35%	78.62%

* After Auxiliary Operations

BINGHAM AND GARFIELD RAILWAY COMPANY

Operations within the State of Utah, Entire Line,
Year ended December 31, 1930.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues.....	\$ 362,228.88	\$ 66,406.17	\$295,822.71
Incidental Operating Revenues.....	4,965.66		4,965.66
Joint Facility Operating Revenues.....			
Total Operating Revenues.....	<u>\$ 367,194.54</u>	<u>\$ 66,406.17</u>	<u>\$ 300,788.37</u>
Railway Operating Expenses:			
Maintenance of Way and structures.....	\$ 79,824.75		
Maintenance of Equipment.....	80,415.99		
Traffic.....	18,648.79		
Transportation Rail Line Expenses.....	83,667.52		
Miscellaneous Operating Expenses.....	1,303.65		
General Expenses.....	59,075.58		
Transportation for Investment-Cr.....			
Total Railway Operating Expenses.....	<u>\$ 322,936.28</u>		
Net Operating Revenues.....	\$ 44,258.26		
Operating Ratio, Oper. Exp. to Oper. Rev.....	87.95%		
Average Mileage of Road Operated.....	33.59		
Utah Taxes, Other than U. S. Government.....	\$ 56,404.01		
Averages per Mile of Road:			
Operating Revenues.....	\$ 10,931.66		
Operating Expenses.....	9,614.06		
Net Operating Revenues.....	<u>1,317.60</u>		

THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY

Operations within the State of Utah,
Year ended December 31, 1930.

	On Interstate Traffic	On Intrastate Traffic	Not Compiled
Railway Operating Revenues:			
Rail Line Transportation Revenues.....	Total		
Incidental Operating Revenues.....	\$ 9,986,771.68		
Joint Facility Operating Revenues.....	152,032.87		
	28,634.38		
Total Operating Revenues.....	\$10,167,438.93		
Railway Operating Expenses:			
Maintenance of Way and Structures.....	\$ 1,289,754.19		
Maintenance of Equipment.....	1,854,568.07		
Traffic.....	230,375.41		
Transportation Rail Line Expenses.....	3,025,023.42		
Miscellaneous Operating Expenses.....	99,906.10		
General Expenses.....	357,825.81		
Transportation for Investment-Cr.....	28,879.79		
Total Railway Operating Expenses.....	\$ 6,828,573.21		
Net Operating Revenues.....	\$ 3,338,865.72		
Operating Ratio, Oper. Exp. to Oper. Rev.....	67.16%		
Average Mileage of Road Operated.....	694.41		
Utah Taxes, Other than U. S. Government.....	\$ 690,784.15		
Averages per Mile of Road:			
Operating Revenues.....	\$ 14,641.84		
Operating Expenses.....	9,833.63		
Net Operating Revenues.....	4,808.21		

LOS ANGELES AND SALT LAKE RAILROAD COMPANY

Operations within the State of Utah,
Year ended December 31, 1930.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues.....	\$ 9,571,915.61	\$ 7,828,716.80	\$ 1,743,198.81
Incidental Operating Revenues.....	424,659.52	176,904.94	247,754.58
Joint Facility Operating Revenues.....	39,615.05		39,615.05
Total Operating Revenues.....	\$10,036,190.18	\$ 8,005,621.74	\$ 2,030,568.44
Railway Operating Expenses:			
Maintenance of Way and Structures.....	\$ 1,342,447.64		
Maintenance of Equipment.....	1,468,865.61		
Traffic.....	374,068.25		
Transportation Rail Line Expenses.....	2,850,059.61		
Miscellaneous Operating Expenses.....	307,542.70		
General Expenses.....	394,133.46		
Transportation for Investment-Cr.....	4,376.66		
Total Railway Operating Expenses.....	\$ 6,732,740.61		
Net Operating Revenues.....	\$ 3,303,449.57		
Operating Ratio, Oper. Exp. to Oper. Rev.....	67.08%		
Average Mileage of Road Operated.....	570.33		
Utah Taxes, Other than U. S. Government.....	\$ 504,449.39		
Averages per Mile of Road:			
Operating Revenues.....	\$ 17,597.16		
Operating Expenses.....	11,804.99		
Net Operating Revenues.....	5,792.17		

OREGON SHORT LINE RAILROAD COMPANY

Operations within the State of Utah,
Year ended December 31, 1930.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues.....	\$ 8,942,851.88	\$ 8,353,269.36	\$ 589,582.52
Incidental Operating Revenues.....	78,999.81	78,999.81	
Joint Facility Operating Revenues.....	852.87*	852.87*	
Total Operating Revenues.....	<u>\$ 9,020,998.82</u>	<u>\$ 8,431,416.30</u>	<u>\$ 589,582.52</u>
Railway Operating Expenses:			
Maintenance of Way and Structures.....	\$ 725,817.47		
Maintenance of Equipment.....	767,079.82		
Traffic.....	95,352.75		
Transportation Rail Line Expenses.....	1,466,174.26		
Miscellaneous Operating Expenses.....	74,188.09		
General Expenses.....	216,459.82		
Transportation for Investment-Cr.....			
Total Railway Operating Expenses.....	<u>\$ 3,345,072.21</u>		
Net Operating Revenues.....	\$ 5,685,926.61		
Operating Ratio, Oper. Exp. to Oper. Rev.....	37.08%		
Average Mileage of Road Operated.....	244.31		
Utah Taxes, Other than U. S. Government.....	359,501.44		
Averages per Mile of Road:			
Operating Revenues.....	\$ 36,924.40		
Operating Expenses.....	13,691.92		
Net Operating Revenues.....	23,232.48		

* Denotes Debit

SOUTHERN PACIFIC COMPANY

Operations within the State of Utah,
Year ended December 31, 1930.

Railway Operating Revenues:

	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues.....	\$ 5,729,438.37*	\$ 5,428,395.94	\$ 136,717.92
Incidental Operating Revenues.....	75,935.67*	69,789.13	621.31
Joint Facility Operating Revenues.....	24,775.13		24,775.13
Total Operating Revenues.....	\$ 5,830,149.17	\$ 5,498,185.07	\$ 162,114.36

Railway Operating Expenses:

Maintenance of Way and Structures.....	\$ 524,268.62
Maintenance of Equipment.....	712,538.06
Traffic.....	110,271.35
Transportation Rail Line Expenses.....	1,432,951.65
Miscellaneous Operating Expenses.....	96,668.38
General Expenses.....	176,923.82
Transportation for Investment-Cr.....	25,258.64
Total Railway Operating Expenses.....	\$ 3,028,552.90

Net Operating Revenues.....	\$ 2,801,596.27
Operating Ratio, Oper. Exp. to Oper. Rev.....	51.95%
Average Mileage of Road Operated.....	259.34
Utah Taxes, Other than U. S. Government.....	\$ 274,926.96

Averages per Mile of Road:

Operating Revenues.....	\$ 22,480.72
Operating Expenses.....	11,677.93
Net Operating Revenues.....	10,802.79

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

TOOELE VALLEY RAILWAY COMPANY

Operations within the State of Utah, Entire Line,

Year ended December 31, 1930.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues.....	\$ 219,593.41	\$ 67,197.16	\$ 152,396.25
Incidental Operating Revenues.....	3,335.87	1,218.00	2,117.87
Joint Facility Operating Revenues.....			
Total Operating Revenues.....	<u>\$ 222,929.28</u>	<u>\$ 68,415.16</u>	<u>\$ 154,514.12</u>
Railway Operating Expenses:			
Maintenance of Way and Structures.....	\$ 23,566.80		
Maintenance of Equipment.....	37,300.61		
Traffic.....	5,634.48		
Transportation Rail Line Expenses.....	128,678.88		
Miscellaneous Operating Expenses.....			
General Expenses.....	19,817.73		
Transportation for Investment-Cr.....			
Total Railway Operating Expenses.....	<u>\$ 214,998.50</u>		
Net Operating Revenues.....	\$ 7,930.78		
Operating Ratio, Oper. Exp. to Oper. Rev.....	96.44%		
Average Mileage of Road Operated.....	7.27		
Utah Taxes, Other than U. S. Government.....	6,227.55		
Averages per Mile of Road:			
Operating Revenues.....	\$ 30,664.28		
Operating Expenses.....	29,573.38		
Net Operating Revenues.....	1,090.90		

UNION PACIFIC RAILROAD COMPANY

Operations within the State of Utah,
Year ended December 31, 1930.

Railway Operating Revenues:

	Total	On Interstate Traffic	On Intrastate Traffic
Rail Line Transportation Revenues.....	\$4,011,456.26	\$ 3,796,055.54	\$ 215,400.72
Incidental Operating Revenues.....	63,301.69	63,301.69	
Joint Facility Operating Revenues.....	5,202.53	5,202.53	
Total Operating Revenues.....	\$ 4,079,960.48	\$ 3,864,559.76	\$ 215,400.72

Railway Operating Expenses:

Maintenance of Way and Structures.....	\$ 342,312.72
Maintenance of Equipment.....	728,141.33
Traffic.....	73,348.66
Transportation Rail Line Expenses.....	1,031,483.84
Miscellaneous Operating Expenses.....	62,094.51
General Expenses.....	131,687.44
Transportation for Investment-Cr.....	

Total Railway Operating Expenses.....	\$ 2,369,068.50
Net Operating Revenues.....	\$ 1,710,891.98
Operating Ratio, Oper. Exp. to Oper. Rev.....	58.07%
Average Mileage of Road Operated.....	110.34
Utah Taxes, Other than U. S. Government.....	\$ 251,316.95

Averages per Mile of Road:

Operating Revenues.....	\$ 36,976.26
Operating Expenses.....	21,470.62
Net Operating Revenues.....	15,505.64

UTAH RAILWAY COMPANY

Operations within the State of Utah,
Year ended December 31, 1930.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues.....	\$ 1,688,870.93	\$ 769,719.09	\$ 919,151.84
Incidental Operating Revenues.....	925.23		925.23
Joint Facility Operating Revenues.....			
Total Operating Revenues.....	<u>\$ 1,689,796.16</u>	<u>\$ 769,719.09</u>	<u>\$ 920,077.07</u>
Railway Operating Expenses:			
Maintenance of Way and Structures.....	\$ 247,944.47		
Maintenance of Equipment.....	414,883.61		
Traffic.....	4,558.22		
Transportation Rail Line Expenses.....	408,505.85		
Miscellaneous Operating Expenses.....			
General Expenses.....	65,589.76		
Transportation for Investment-Cr.....	201.03		
Total Railway Operating Expenses.....	<u>\$ 1,141,280.88</u>		
Net Operating Revenues.....	\$ 548,515.28		
Operating Ratio, Oper. Exp. to Oper. Rev.....	67.54%		
Average Mileage of Road Operated.....	110.10		
Utah Taxes, Other than U. S. Government.....	114,075.12		
Averages per Mile of Road:			
Operating Revenues.....	\$ 15,209.68		
Operating Expenses.....	10,272.56		
Net Operating Revenues.....	4,937.13		

THE WESTERN PACIFIC RAILROAD COMPANY

Operations within the State of Utah,
Year ended December 31, 1930.

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues.....	\$ 2,158,797.05	\$ 2,020,683.42	\$ 138,113.63
Incidental Operating Revenues.....	71,118.33	15,915.03	55,203.30
Joint Facility Operating Revenues.....	4,661.27		4,661.27
Total Operating Revenues.....	\$ 2,234,576.65	\$ 2,036,598.45	\$ 197,978.20
Railway Operating Expenses:			
Maintenance of Way and Structures.....	\$ 362,130.55		
Maintenance of Equipment.....	335,441.21		
Traffic.....	104,473.77		
Transportation Rail Line Expenses.....	756,070.84		
Miscellaneous Operating Expenses.....	88,151.50		
General Expenses.....	75,217.91		
Transportation for Investment-Cr.....	20,397.20		
Total Railway Operating Expenses.....	\$ 1,701,088.58		
Net Operating Revenues.....	\$ 533,488.07		
Operating Ratio, Oper. Exp. to Oper. Rev.....	76.13%		
Average Mileage of Road Operated.....	143.72		
Utah Taxes, Other than U. S. Government.....	\$ 152,351.02		
Averages per Mile of Road:			
Operating Revenues.....	\$ 15,548.13		
Operating Expenses.....	11,836.13		
Net Operating Revenues.....	3,712.00		

**SMALL STEAM RAILROADS OPERATING IN THE STATE OF UTAH, OPERATIONS FOR THE YEAR
ENDED DECEMBER 31, 1930.**

Railway Operating Revenues:	The Uintah Railway Co.*	Carbon County Railway Co.	Deep Creek Railroad Co.
Rail Line Transportation Revenues.....	\$339,230.62	\$ 84,435.73	\$ 7,292.62
Incidental Operating Revenues.....	7,156.83		227.57
Joint Facility Operating Revenues.....			
Total Operating Revenues.....	\$346,387.45	\$ 84,435.73	\$ 7,520.19
Railway Operating Expenses:			
Maintenance of Way and Structures.....	\$ 68,260.04	\$ 17,407.23	\$ 13,923.38
Maintenance of Equipment.....	76,122.61	1,820.90	7,683.68
Traffic.....	1,704.77	2,371.13	43.53
Transportation Rail Line Expenses.....	77,747.43	13,978.62	6,747.60
Miscellaneous Operating Expenses.....	4,384.13		
General Expenses.....	68,577.36	11,367.78	1,610.36
Transportation for Investment-Cr.....			
Total Railway Operating Expenses.....	\$296,796.34	\$ 46,945.66	\$ 30,008.55
Net Revenue from Railway Operations.....	\$ 49,591.11	\$ 37,490.07	\$ 22,488.36-Red
Railway Tax Accruals.....	24,086.06	4,429.48	1,337.01
Railway Operating Income.....	\$ 25,505.05	\$ 33,060.59	\$ 23,825.37-Red
Mileage of Road Operated.....	73.41	6.10	47.15

* Figures cover Operations of Company in Colorado and Utah. Division as to States not available.

STREET RAILWAYS, OPERATIONS WITHIN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1930.

	Utah Light & Traction Co.	Utah Rapid Transit Co.
Railway Operating Revenues:		
Revenue from Transportation.....	\$ 1,522,575.49	\$ 203,186.20
Revenue from Other Railway Operations.....	13,435.50	1,452.51
Total Operating Revenues.....	<u>\$ 1,536,010.99</u>	<u>\$ 204,638.71</u>
Railway Operating Expenses:		
Way and Structures.....	\$ 121,021.91	\$ 24,396.60
Equipment.....	164,444.06	31,649.87
Power.....	214,875.87	32,422.36
Conducting Transportation.....	391,256.30	78,177.55
Traffic.....	29,422.85	3,067.83
General and Miscellaneous.....	169,029.82	34,454.62
Transportation for Investment-Cr.....	91.75	
Total Operating Expenses.....	<u>\$ 1,089,959.06</u>	<u>\$ 204,168.83</u>
Net Revenue, Railway Operations.....	\$ 446,051.93	469.88
Taxes Assignable to Railway Operations.....	97,368.29	6,430.67
Operating Income.....	<u>\$ 348,683.64</u>	<u>\$ 5,960.79-Red</u>
Operating Ratio, Operating Expenses to Operating Revenue.....	77.30%	99.77%
Total Miles of Road Operated at Close of Year.....	95.95	35.72

THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY

Operations within the State of Utah,
Year ended December 31, 1930.

Revenues:

Telephone Operating Revenues.....	\$ 3,569,024.43
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Operating Expenses and Deductions:

Commercial Expenses.....	\$ 325,943.45
Compensation Net.....	33,271.47
Maintenance Expenses.....	1,047,710.29
Traffic Expenses.....	785,156.04
General Expenses.....	149,615.92
Uncollectible Operating Revenues.....	21,248.85
Taxes.....	322,539.20
Non-Operating Revenues.....	18,364.57*
Rent and Other Deductions.....	43,699.25
Total Operating Exp. and Deductions.....	\$ 2,710,819.90
Operating Income.....	\$ 858,204.53

FIXED CAPITAL ACCOUNTS

Tangible

Exchange Plant.....	\$9,813,573.77
Toll Plant.....	2,221,063.89
Total Physical Plant.....	\$12,034,637.66

Intangibles and Miscellaneous:

Going Value.....	\$ 744,380.90
Interest During Construction.....	394,012.60
Estimated Working Capital.....	535,510.01
Construction Work in Progress.....	78,899.52
Total Intangibles and Miscellaneous.....	\$ 1,752,803.03
Total Fixed Capital Accounts.....	\$13,787,440.69

*Denotes Credit

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF SMALL TELEPHONE UTILITIES OPERATING IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1930

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	603	\$ 51,953.47	\$19,385.76	\$16,891.52	\$ 2,494.24
Big Springs Power Company	Fountain Green	112	4,158.78	1,828.27	1,596.61	231.66
Castle Dale Telephone Company	Castle Dale	70	2,211.75	1,468.02	1,468.02	
Gunnison Telephone Company	Gunnison	255	26,813.24	5,113.87	4,991.44	122.43
Kamas-Woodland Telephone Co.	Kamas	126	10,000.00	4,082.00	4,126.00	44.00-Red
Manti Telephone Company	Manti	400	15,000.00	6,356.86	5,318.92	1,037.94
Midland Telephone Company	Moab	241	39,265.95	12,739.20	11,461.06	1,278.14
Millard County Teleg. & Tel. Co.	Fillmore	454	92,904.97	23,707.35	22,316.91	1,390.44
Moroni Telephone Company	Moroni	119	5,492.12	2,968.70	3,045.01	76.31-Red
North Logan Tel. & Elec. Light Co.	North Logan	38	9,107.94	2,836.82	1,924.83	911.99
Utah-Wyoming Independent Tel. Co.	Randolph	121	9,364.00	2,941.59	3,306.84	365.25-Red
TOTALS		2,539	\$266,272.22	\$83,428.44	\$76,447.16	\$ 6,981.28

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF SMALL PRIVATE WATER UTILITIES OPERATING IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1930.

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	140	\$ 20,000.00	\$ 1,668.30	\$ 737.45	\$ 930.85
Echo Water System Company	Echo	19	2,125.00	231.00	124.16	106.84
Henefer Pipe Line Company	Henefer	63	12,600.00	413.68	204.06	209.62
Layton Water System	Layton	200	61,356.96	4,635.35	2,620.03	2,015.32
Mammoth Mining Company	Mammoth	117	63,756.69	6,330.72	8,119.41	1,788.69-Red
Miller Ditch Company	Murray	95	4,031.90	1,767.55	853.90	913.65
Moab Pipe Line Company	Moab	174	10,900.00	3,016.25	2,570.66	445.59
Pioneer Water Company	Manti	48	3,000.00	503.18	564.40	61.22-Red
Pleasant Green Water Company	Magna	758	47,239.07	11,189.83	10,302.15	887.68
Riverton Pipe Line Company	Riverton	232	47,439.15	6,560.61	4,684.60	1,876.01
Ukon Water Company	Garland	93	60,199.35	174.90	256.34	81.44-Red
TOTALS		1,939	\$332,648.12	\$36,491.37	\$31,037.16	\$ 5,454.21

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF AUTOMOBILE PASSENGER
AND FREIGHT CERTIFICATE HOLDERS OPERATING IN THE STATE OF UTAH, YEAR
ENDED DECEMBER 31, 1930

Name of Line or Operator	Between	And	Nature*	Total Investment	Total Operating Revenues	Total Operating Deductions	Operating Income
Arrow Auto Line.....	Price	Hiawatha.....	PE	\$ 2,820.00	\$ 10,546.90	\$ 10,426.14	\$ 120.76
Bamberger Transportation Co.....	Salt Lake City.....	Ogden.....	PE	23,078.63	8,145.73	16,150.92	8,005.19--Red
Barton & Lund Truck Line.....	Cedar City.....	St. George.....	F	15,000.00	7,701.93	6,039.94	1,661.99
Barton Truck Line.....	Tooele.....	Salt Lake City.....	F	6,403.88	9,215.54	13,577.57	4,362.03--Red
Bee Hive Stages.....	Salt Lake City.....	Park City.....	PE	23,251.38	22,265.70	31,099.30	8,803.60--Red
Bingham Stage Lines Co.....	Salt Lake City.....	Bingham.....	PE	30,651.20	35,814.06	43,141.37	7,327.31--Red
B & O Transportation Co.....	Salt Lake City.....	Sandy.....	F	4,876.19	3,622.95	3,787.76	164.81--Red
Brighton Stage Line.....	Salt Lake City.....	Brighton.....	PF	4,600.00	1,635.30	1,861.18	225.88--Red
Coleman, Alva L.....	Salt Lake City.....	Heber City.....	p	6,575.00	6,912.10	7,014.70	102.60--Red
Dodge Stage Line.....	Price.....	Vernal.....	p	6,260.00	10,828.90	10,828.90	131.00--Red
Duke, E. J.....	Heber City.....	Park City.....	PF	1,135.00	1,974.90	2,105.90	420.56
Eastern Utah Trans. Co.....	Price.....	Vernal.....	p	21,551.58	41,208.69	40,788.13	116.40--Red
Eureka Dividend Stage Line.....	Eureka.....	Dividend.....	p	9,850.00	4,873.60	4,900.00	1,944.67--Red
Eureka Payson Stage Line.....	Eureka.....	Payson.....	p	1,700.00	2,064.75	4,009.42	691.94--Red
Granville St. Lk. Truck Line.....	Grantsville.....	Salt Lake City.....	PE	2,775.00	1,121.54	1,813.48	292.24--Red
Hout, Don R.....	Salt Lake City.....	Coalville.....	PE	1,648.38	2,945.55	3,237.79	903.54
Hurricane Truck Line.....	Cedar City.....	Hurricane.....	p	11,650.00	10,863.84	9,980.30	28,630.06--Red
Innerside Transit Line.....	Wyoming St. L.....	Ariz State L.....	p	2,377,986.75	159,218.02	187,848.08	1,417.70--Red
Magna Garfield Truck Line.....	Salt Lake City.....	Garfield.....	PE	2,751.88	4,665.75	5,883.45	98.99
McIntire, B. F.....	Price.....	Gibson.....	PE	7,475.00	10,282.39	10,183.40	373.72--Red
Millford & Beaver Trans. Co.....	Millford.....	Beaver.....	F	5,425.00	5,855.86	6,229.58	640.12--Red
Moab Garage Company.....	Cedar City.....	St. George.....	PF	13,075.00	10,539.40	11,179.52	2,120.29
Petty & Lund, Inc.....	Thompson.....	Blanding.....	PF	5,350.00	13,302.46	20,953.60	29,239.30--Red
Pickwick Stage Lines, Inc.....	Cedar City.....	Kanab.....	F	2,947.10	5,672.32	3,552.03	5,166.30--Red
Rio Grande Motorway of Ut. Inc.....	Salt Lake City.....	Ariz. State L.....	p	442,655.84	209,865.15	239,104.45	421.44
Salt Lake Bingham Truck Line.....	Salt Lake City.....	Provo.....	PF	66,065.97	101,711.74	106,878.04	1,368.41
Salt Lake Ogden Trans. Co.....	Salt Lake City.....	Bingham.....	F	7,489.83	9,024.62	8,603.18	4,492.46--Red
Salt Lake-Tooele Stage Lines.....	Salt Lake City.....	Ogden.....	PE	48,458.86	53,542.47	52,174.06	
	Salt Lake City.....	Tooele-Grants.....	PE	20,774.37	21,705.07	25,546.53	

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF AUTOMOBILE PASSENGER
AND FREIGHT CERTIFICATE HOLDERS OPERATING IN THE STATE OF UTAH, YEAR
ENDED DECEMBER 31, 1930
(Continued)

Name of Line or Operator	Between	And	Nature*	Total Investment	Total Operating Revenues	Total Operating Deductions	Operating Income
Salt Lake Transportation Co.	Salt Lake City	Various	P	\$ 319,612.34#	\$ 437.60	\$ 744.48	\$ 306.88-Red
Spring Canyon Stage Line	Helper	Mutual	P	6,250.00	2,791.00	4,210.76	1,419.76-Red
Sterling Transportation Co.	Salt Lake City	Vernal	F	22,678.90	23,080.64	32,464.21	9,383.57-Red
Streep, Wells R.	Ogden	Garland	F	7,225.35	23,690.82	22,025.60	1,665.22
Utah Central Transfer Co.	Provo	Silver City	F	6,054.69	6,565.18	6,426.99	138.19
Utah Central Truck Line	Salt Lake City	Provo	F	20,417.91	22,744.97	21,432.64	1,312.33
Utah Ida. Con. R.R. Co. Bus	Ogden	Preston Ida.	P	28,755.07	26,165.71	30,218.72	4,053.01-Red
Utah Parks Co.	Cedar City	Scenic Points	PFE	3,618.288.97**	581,311.20	751,126.18	169,814.98-Red
TOTALS				\$7,204,175.07	\$1,473,093.35	\$1,757,678.30	\$284,584.95-Red

* P Denotes passenger line. F denotes freight line. E denotes express line.

Investment is total for company. Operating figures are for Utah Only.

** Figures given include operations in Utah and Arizona.

OPINION OF THE ATTORNEY GENERAL

January 23, 1931.

Public Utilities Commission,
Frank L. Ostler, Secretary,
Building.

Dear Sir:

In your letter of the 19th instant, you ask for my opinion as to whether or not the Commission has, under existing law, jurisdiction over airplanes rendering service as a Public Utility within the borders of the State of Utah. Assuming, without deciding, that it may be a public utility, I am of the opinion that your Commission has the same jurisdiction over airplanes, if a public utility, as it has over any other public utility under the provisions of Chapter 4, Title 91, Compiled Laws of Utah, 1917. As you have the law before you I shall not state the sections at length, but merely call your attention to Sections 4798, 4803, 4815, 4817, and 4819, Compiled Laws of Utah, 1917.

In view of the provisions of the sections above referred to, I am of the opinion that if any airplane becomes a public utility, your commission has jurisdiction over the same.

Very truly yours,

(Signed) GEO. P. PARKER,
Attorney General.

IN THE SUPREME COURT OF THE STATE OF UTAH

Logan City,	Plaintiff,	} No. 4889
vs.		
Public Utilities		
Commission of Utah,	Defendant.	

FOLLAND, J.

This is an original proceeding by Logan City, a municipal corporation of Utah, hereinafter called the city, against the Public Utilities Commission of Utah, hereinafter called the commission, and the Mountain States Telephone & Telegraph Company, hereinafter called the company, to review an order of the commission authorizing a new and higher schedule of rates for telephone service in the Logan exchange.

The company on November 14, 1927, filed with the commission its petition for an increase in rates alleging that the rates then in effect failed to yield a fair and reasonable return on the value of its property used and usable in telephone service in the Logan exchange. The city filed a petition in intervention protesting and objecting to any increase in rates. After a hearing the commission made and filed its report and order authorizing the company to put into effect the proposed higher rates effective April 1, 1929. In its report the commission found that the total value, for rate making purposes as of December 31, 1926, of the Logan exchange was \$295,548.42, that for the year 1926 net results of operation show a return of 2.37% on the average value of the property, and that the annual rate of return, after granting the rates prayed for, would be 4.86%. The valuation found was based on the valuation as of August 31, 1919, as fixed by the commission in a former case wherein the valuation of all the properties of the applicant within the State of Utah was determined, together with additions and betterments shown to have been made since that date. The average annual rate of return for the five-year period ending with and including the year 1927 was shown to be 1.11%, the year 1926 having the highest rate of return during such five-year period.

Plaintiff has alleged several specific objections to the report and order of the commission. These will be discussed in the order presented.

The first objection is that the commission failed to make any finding with respect to the allegation that the company

is bound by the schedule of rates set out in the franchise ordinance of the city, which rates are lower than the schedule of rates approved by the commission. Plaintiff concedes that the commission has authority under the statutes of the state and decisions of this court to set aside franchise or contract rates, but contends that this may be done only upon and after a specific finding that such rates are unreasonable, and that the commission has no power to vacate franchise or contract rates if such rates are in fact fair and reasonable. The franchise from Logan City under which the company is operating provided for the charging of certain specified rates for the different classes of service, with provision for other and higher rates after the city had attained a population of 10,000 and until its population had reached 50,000. The franchise also contained the provision that "in the event a public utility commission or similar body is created by law within the State of Utah, then the force and effect of this section shall yield to the rulings of said utility commission, or other body, to the extent of the powers vested by law in such utility commission or other body to regulate the rates of the grantee."

The United States Government, as a war measure, took over all the telephone properties of the company July 31, 1918, and operated them until July 31, 1919, when they were returned to the company. While in government control all telephone rates throughout the United States were increased by order of the Postmaster General. The rates in effect in Logan City fixed by the franchise were substantially increased by this order. After the telephone system was returned to the company by the government, the commission, on application made by the company, in Case No. 206, made an order continuing in force the same rates as had been fixed by the Postmaster General. The commission thus exercised jurisdiction over the rates charged by the company at Logan and authorized an increase over what had been specified in the franchise. This was a ruling regulating rates within the proviso in the franchise above quoted. The commission in the present case did not change rates fixed by franchise, for these had already been superseded by the rates established in Case No. 206. The franchise rates having been terminated by the exercise of jurisdiction and order of the commission in the former case, no finding or order with respect to the franchise rates was necessary in this case. *Denny v. Pacific T. & T.*, 48 Sup. Ct. Rep. 223, 276 U. S. 97; *Railroad Comm. v. Los Angeles Ry. Corp.*, 50 Sup. Ct. Rep. 71, 280 U. S. 145.

Plaintiff complains that the commission failed to make a

finding on the issue presented by its petition on the matter of poles owned and maintained jointly by the company and the city.

Upon renewal of the franchise in 1915, by contract between the city and the company it was agreed that the poles owned by the city and used by it as a part of its electric system, and the poles of the company used by it in its telephone system, all located in the streets of the city, should be jointly used, owned, and maintained by them. The company is under obligation by virtue of this contract to bear half the cost of maintenance of these poles, whether it uses them or not, until 1935. There are now 1386 poles in the streets of the city jointly owned. The company within the last five or six years changed its policy and adopted what is called the interior block system. That is, the poles and wires are located inside the block, and houses are connected with wires from poles in the back yards or alleys instead of from poles in the street. Six hundred thirty-five of the jointly owned poles have been abandoned by the company, and it is the intention of the company to further extend the interior block system from time to time as convenient or necessary, which will result in the abandonment of its use of all the jointly owned street poles.

In its report the commission said:

“With reference to jointly owned poles, the commission is of the opinion, and so ruled at the hearing, that inasmuch as neither the applicant nor Logan City is asking relief from the contract governing the jointly owned poles the subject is not material in this case.”

The city contended that the change to the interior block system imposed an additional and unnecessary burden upon the rate payer in increased cost of plant, expenses of maintenance, and amount necessary to be set up for depreciation. The amount involved in this change was not large enough to materially affect the rates. The location and manner of placing the poles for the distributing system is essentially a matter of business management of the utility which should not be interfered with by the commission unless it is made to appear that the policy and consequent expenditure is actuated by bad faith, or involves dishonesty, wastefulness, or gross inefficiency. There is nothing of this kind either alleged in the petition or disclosed in the record. The management apparently proceeded in good faith and believed the interior block system was best suited to serve its purposes. Whether this method of bettering its system was most economical or efficient was

a matter within the sound discretion of the management. It is well settled that public commissions cannot, under guise of rate regulation, take into their hands the management of utility properties or unreasonably interfere with the right of management. *Natural Gas, Light & Fuel Co. v. Michigan Public Utilities Comm.*, 11 Fed. (2d) 319; *State Public Utilities Comm. v. Springfield Gas & Elec. Co.*, 291 Ill. 209, 125 N. E. 891; *Pacific Tel. & Tel. Co. v. Whitcomb*, 12 F (2d) 279, affirmed in 276 U. S. 97.

It is next contended that the commission failed to make proper findings on issues presented as to the rural lines attached to the Logan exchange. The commission's finding was as follows:

"The protestant's claim that the Logan Exchange has an unduly large number of rural lines, and that it would be better and more fair to all exchanges if said rural lines should, for rate-making purposes, be considered as part of the entire telephone system of the applicant in this State; that the larger centers in the State served by the applicant are directly and materially benefitted by the rural lines by broadening the field and thereby increasing the usefulness of the applicant's telephone service in general, and that the rural lines do not pay, and should, therefore, at least partially, be carried by the central exchanges, is not without some merit. The rural lines are, however, an indispensable part of the exchange in which they center, and must be taken into account in fixing valuations and rates applicable to the city exchanges and the thickly populated centers that are benefitted by telephone connections."

The position of plaintiff is fairly reflected in this statement of the commission. While plaintiff argued that the Logan exchange was overburdened with rural lines, the manager of the company testified that several exchanges in the state had a greater mileage of rural lines than this one. The evidence fairly shows that this exchange is not unduly burdened by rural lines, and any finding which the commission might have made in that respect could only be in support of the decision. Moreover the conclusion reached and announced by the commission on this particular subject is entirely sound and proper. The territory served by the rural lines is tributary to Logan as the commercial center. Their value to the business men of Logan is indicated by the fact that Logan people petitioned to have certain of these rural

lines attached to that exchange and would undoubtedly protest if such lines were severed therefrom. Ordinarily the definition of an exchange area and determination of what rural lines shall be attached to a certain exchange are matters of business management and will not be interfered with by the commission in the absence of allegation and proof of bad faith or imprudence. There was no such showing here.

The city further complains that the commission failed to make a finding that the Logan exchange was paying, under the old rates, a higher percentage of return on property invested than any other comparable exchange in the state. Comparison was sought to be made with the Provo exchange since Provo is the one city in the state with a population somewhat comparable with that of Logan. The schedule of rates in effect on the Provo exchange was not introduced in evidence but because the percentage of return upon plant investment at Provo was less than that at Logan, counsel argue that it was not only improper but unlawful under Comp. Laws Utah 1917, Sec. 4789, for the commission to authorize an increase in the Logan rates. This section prohibits a utility from establishing or maintaining discriminatory or preferential rates or charges, or any unreasonable difference as to rates, charges, or service as between localities or classes of service. No point is made that there is a difference or discrimination between the two exchanges as to rates, charges or service, but merely that the rate of return on investment is less from the one than from the other. Under Comp. Laws Utah 1917, Sec. 4800, Subd. 2, the commission is empowered to investigate a single rate, or any number thereof, or the entire schedule of rates. It is not the law that the commission may not act upon one rate, or the schedule at one exchange, without at the same time acting upon all or any other rates within the state. Nor is it the law that the commission must require the company to maintain confiscatory rates at one exchange merely because it is doing business at another exchange at confiscatory rates. The rate of return from the Logan exchange for 1926 was found to be 2.37%, while the evidence disclosed that the rate of return from the Provo exchange was less than 1%. Both rates are so low as to justify relief in a proper case. The ultimate fact found by the commission was that the rate of return from the Logan exchange was 2.37%. This is in effect a finding that the rates were unreasonable and inadequate. The commission has not indicated what percentage of return is reasonable and adequate, but the cases hold, without exception, that rates yielding so low a rate of return as here, are not adequate or reasonable. It is well settled that each rate should be com-

pensatory, and that a utility cannot be required to perform service at a rate which is confiscatory. *Smith v. Ames*, 169 U. S. 466; *State v. Public Service Comm.* 10 S. W. (2d) 946. It is also recognized that it is impossible to construe a rate structure so that the rate of return will be uniform on all rates, and that neither the utility nor the customer has the right to insist upon uniformity of the rate of return. *Banton v. Belt Line Ry. Corp.*, 268 U. S. 413. It was wholly unnecessary that the commission make any finding as to whether or not other exchanges in the state would yield a lower rate of return. A comparison of other rates would be persuasive or controlling only where shown that conditions were comparable and that the rates used for comparison were just and reasonable rates. *State v. Southwestern Bell Tel. Co.*, 115 Kans. 236, 223 Pac. 771.

Counsel for plaintiff concede that the company is entitled to earn a reasonable return on its investment. They say that 8% is not a reasonable rate of return but that 5% is such reasonable rate. The commission was not called upon in this case to fix a definite rate as the reasonable rate of return which the company would be entitled to earn upon its investment and consequently it did not determine what a reasonable rate of return would be. It has nowhere fixed that rate at 8%. By authorizing the new rates, the commission found that these should produce a return of 4.86% on the value of property in the Logan exchange, and in so doing has concluded that such a rate is not excessive. Since the city has conceded a 5% return to be fair and reasonable we need not further consider this question.

Counsel for the city call attention to the fact that they are not equipped with the necessary expert assistance to adequately investigate and check the valuations and accounts set up by the company; that they were unable to go into the books of the company in such a thorough manner as to be wholly satisfactory. They say:

"We believe the Commission was created to protect the public from excessive charges and we direct this court's attention to the specific sections of the Public Utilities Act which strongly guard and protect the public against a raise in rates. The duty to cause a check and re-valuation of the property of a public utility, if the same is necessary does not reside with a member of the public who comes in and protests against a raise in rates. That duty and power is placed by statute with the Commission."

Though we might sympathize with this point of view, this court can be of no assistance in the matter. That argument should be addressed to the legislature with the request for additional funds for use by the commission if necessity exists for a greater or more detailed service with respect to financial and valuation reports, or the making of independent valuations, than the commission is now able to give with its limited staff and resources. No complaint is made that the commission did not do all that it could do in the instant case. Indeed, its accountant was placed at the disposal of plaintiff and assisted its investigators and counsel in every way possible. No complaint is made against the attitude of the company or its officials. They were said to be most courteous and gave every assistance to representatives of the city and the commission, and furnished all information called for and available. It is merely said that the task was so great that the city, with the means at its command, was unable to make an adequate check on the evidence submitted by the company.

The defendant filed and argued a motion to strike the abstract furnished by plaintiff upon the grounds that no abstract is required by rule of court or by the statute, and particularly that the abstract filed is insufficient to properly and adequately present the evidence adduced before the commission. It is true an abstract is not, in original proceedings such as this, required by law or rule of court. An abstract, however, when fairly presenting the evidence, is a great convenience to the court in its study of the case and preparation of the decision, and is also essential to properly perpetuate the record in this court. Since the cost of printing the abstract will not be imposed upon the defendant we need not consider whether the abstract here filed is adequate or not. This motion is denied.

The report and order of the commission are affirmed, with costs to defendants.

We concur.....

STRAUP, J. (Concurring)

I concur in the result. I would have been better satisfied had the commission made more complete findings on the issues. The statute, Comp. Laws Utah 1917, Sec. 4834, I think, contemplates that the commission shall make findings

of ultimate facts. The section further provides that the findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review and that a review by this court shall not extend further than "to determine whether the commission regularly pursued its authority, including a determination of whether the order or decision" violated any right under either the state or federal constitution. Section 4830 forbids the commission from raising any rate or charge, etc., or altering any contract, etc. "except upon a showing before the commission and a finding by the commission that such increase is justified."

The telephone company asked an increase of rates or charges for a business individual line in Logan City from \$60 to \$72 per annum; a business two-party line from \$48 to \$60 per annum; a residence individual line from \$30 to \$36 per annum; a residence two-party line from \$27 to \$30 per annum; and a residence four-party line from \$24 to \$24 per annum. This was put on the alleged ground that subscriber stations in Logan numbering 1,405 in December 1915 increased to 2,141 subscriber stations in 1926, which resulted in a consequent increase in the investment plant, in carrying increased charges and expenses from August 1919 to December 1926 and of an added exchange plant at a cost of \$44,640, and as the subscriber stations increased, the exchange plant became "more complex" requiring larger poles and longer aerial cables; that the revenues derived from operation in 1926 were not sufficient to pay an annual return of 8 per cent "on the average value of the property" for that year, and left a deficit in such respect of about \$16,000; and that "taking 1913 values as a basis, telephone service in Logan has increased in cost to consumers less than 20 per cent as compared to an increase in the cost of living of approximately 78 per cent."

The material allegations were denied by Logan City. It further alleged that the maximum rates which could be charged were fixed by the franchise granted by the city to the telephone company and that the demanded increase of rates was not in accordance therewith and was excessive and that Logan City exchange was already paying a higher rate or percentage of return considering the value of the property invested than any other exchange in the state; that the Logan exchange had an unduly large share of rural lines which were not revenue producing and which were operated and maintained by the company as a part of its telephone system in the state and that it was unfair and unreasonable to increase the rate of patrons using phones in Logan City to meet deficits in the operation of the rural lines, and that the increase of rates in

the city was discriminatory and unreasonable; that whatever cost or expense was incurred from 1919 to 1926 in enlarging the Logan exchange plant was incurred by extensions of lines and service in rural districts and by abandoning pole lines in violation of an agreement between the city and the company to be used and maintained in common by the city and the company.

Complaint is made that all of the material issues were not disposed of by the findings. Were this a law action tried to a court, I think it well could be said that all of the material issues were not disposed of by the findings and that a judgment based upon them rested on insufficient findings. But the question is, does the same rule as to findings in such an action apply to proceedings before the commission. I doubt that. While findings of some sort are required, yet, I doubt that they are required to be as complete as in a law action tried to a court.

No finding is made as to the pleaded franchise fixing a maximum rate or charge. If on a prior hearing in another proceeding between the same parties the franchise as to rates was involved and a ruling made on the subject adverse to the city, the commission could have so found. That would have disposed of the issue. But the question is presented and argued here as though it still was at large. Nevertheless no finding is made that any such determination or adjudication was made or that the rate as fixed by the franchise is discriminatory, or is or has become unreasonable, or that it for any other reason is no longer of binding effect. Nothing is said about it.

The commission found that the value of the company's physical property at the Logan exchange in 1919, eight or nine years prior to this hearing, was \$205,336; that since that time additions and betterments have been added of the value of \$44,640; that in 1919 the commission established "a basis for Interest During Construction, Going Value and Working Capital" and "applying such basis to the physical value at Logan" made an additional value of \$45,571, or a total valuation of physical property at Logan City of \$295,548 for rate-making purposes, and on that basis the operation at Logan City for 1926 showed a return of only 2.37 per cent of the average value of such property; and that if the rates prayed for were granted, the annual return would be only 4.86 per cent. It appears that for rate-making purposes the value of the physical property of the company at Logan City was considered as of a valuation made in 1919 instead of a valuation at the time of the hearing, and upon the further consideration,

as alleged by the company and as found by the commission, "that since 1913 and taking 1913 values as a basis, telephone service in Logan has increased in cost to the consumers less than 20 per cent, as compared to an increase in the cost of living of 78 per cent." It is common knowledge that during the war and for several years thereafter, values of all kinds of property, real and personal, including all kinds of material and products, etc. were highly inflated, and cost of living greatly increased; but of recent years have been and now are greatly deflated and lessened. The findings, which are set forth in the prevailing opinion, as to the "jointly owned poles," in view of the issue presented in such respect and as heretofore indicated, and the findings with respect to the claim of the protestant that the rural lines for rate-making purposes should be considered as a part of the entire telephone system rather than as a part of the Logan exchange, constitute no findings of facts or of conditions upon which a conclusion one way or the other may be deduced with respect to such issues.

Thus, it may well be doubted whether the findings as made are sufficient to support the order. The sufficiency of them is challenged but until some rule or decision of this court is announced as to how full or complete findings of the commission should be, whether as full as in a law action which to uphold a judgment all of the material issues must be disposed of by findings or whether findings of less completeness suffice, final orders of the commission should not be disturbed because it may be thought the findings are not as full or complete as they should be, unless it appears that the order was based on wrong or misconceived or misapplied principles of law, or that the order is against or is not sufficiently supported by evidence. Leaving the findings and going into the record evidence transmitted to us, I am not prepared to say that the order is not sufficiently supported by the evidence.

I therefore on the record evidence concur in the affirmation of the order.

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In the Index, the following abbreviations are used:

B E RR	Bamberger Electric Railroad Co.
B & G Ry	Bingham & Garfield Railway Co.
D & R G W RR	Denver & Rio Grande Western Railroad Co., The
L A & S L RR	Los Angeles & Salt Lake Railroad Co.
O S L RR	Oregon Short Line Railroad Co.
S L & U RR	Salt Lake & Utah Railroad Co.
S P Co.	Southern Pacific Co.
T V Ry	Tooele Valley Railway Co.
U P RR	Union Pacific Railroad Co.
U G & C Co.	Utah Gas & Coke Co.
U I C RR	Utah Idaho Central Railroad Co., The
U L & T Co.	Utah Light & Traction Co.
U P & L Co.	Utah Power & Light Co.
Ut. Ry Co.	Utah Railway Co.
Western Union	Western Union Telegraph Co., The

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