

Decision No. 19088,

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of
(1) BACON SERVICE CORPORATION, a
corporation, for certificate of
public convenience and necessity to
operate (2) automotive freight service
as a common carrier between Sanger,
Calif. and General Grant National
Park.

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) Application No. 14,138
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BY THE COMMISSION:

OPINION AND ORDER

In this proceeding Bacon Service Corporation asks for a certificate of public convenience and necessity to operate an automotive service for the transportation of freight between Sanger and General Grant National Park and Sequoia and General Grant National Parks Company, a corporation, asks for authority to discontinue operation of an automotive freight transportation service between Sanger and Hume.

Bacon Service Corporation proposes to charge rates, to give service and use equipment as set forth in Exhibits "A", "B" and "C", all of which exhibits are attached to the application herein and made a part thereof.

This proceeding was instituted to clarify a situation created by the recent purchase by the Sequoia Company of the operating rights of Bacon Service Corporation, which, under authority of the Railroad Commission was operating an automotive passenger and freight service between Fresno and Hume, the right to operate from Fresno to Sanger being limited to passenger service with no right to operate locally between Fresno and Sanger. By Decision No. 18552, dated June 27, 1927 and issued on Application No. 13868 the operating rights heretofore issued to Bacon

Service Corporation by the Commission were transferred to the Sequoia Company. It was developed by offered tariff filings that both the Bacon Company and Sequoia Company, unaware that an operating right is held by the Commission to be indivisible had entered into an agreement that the sale and transfer was made with the understanding that the Bacon Company was to continue the business of transporting freight and the Sequoia Company confine its operations to the transportation of passengers and express, an understanding which was not set forth in the application. Advised by letter that such an arrangement could not be approved by the Commission, that the Sequoia Company had acquired all of the rights of the Bacon Company, and that any operation by the Bacon Company subsequent to the date of the transfer of its operating rights to Sequoia Company would be an operation in violation of the Auto Stage and Truck Transportation Act, the instant proceeding was instituted.

We are of the opinion that this is a matter in which a public hearing is not necessary, particularly in view of the fact that a new service is not proposed to be established, and that the application should be granted.

We are further of the opinion and hereby find as a fact that the operations herein contemplated and to which the certificate hereinbelow contained refers, involve the transportation by automobile, auto truck or other automotive vehicle of property as a common carrier for compensation between the fixed termini or over the regular route hereinabove mentioned.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation by Bacon Service Corporation of an automotive service for the transportation of freight between Sanger and General Grant National Park and the intermediate points of Squaw Valley,

Dunlap, Miramonte and Pinehurst, over and along the following route:

Sanger to Centerville over Centerville highway;- thence through river bottom to Squaw Valley; thence to Dunlap over Dunlap highway; thence to Miramonte over Dunlap highway and Sand Creek road; thence to Pinehurst over Sand Creek road, thence over Sand Creek road to General Grant National Park,

said service to be given daily except Sunday between Sanger and General Grant Park in the period June 1 to September 30 of each year and between Sanger and Miramonte three times a week in the period from October 1 to May 31, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same hereby is granted to Bacon Service Corporation, subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
2. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.
3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
4. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that Sequoia and General Grant National Parks Company be and it is hereby authorized to discontinue the operation of the automotive freight transportation

service authorized to be performed by it under authority of Decision No. 18552 of the Railroad Commission issued on Application No. 13868; provided said Sequoia and General Grant Parks Company shall immediately file with the Railroad Commission supplements to its tariffs and time schedules on file in its name covering such freight transportation service, which supplements shall cancel such tariffs and time schedules; and provided further that it is understood that the discontinuance of service herein authorized has the effect of limiting the service to be performed by said Sequoia and General Grant National Parks Company under existing operating rights to that of a passenger stage line for the transportation of passengers only between Fresno and Hume and intermediate points, with no local service between Fresno and Sanger.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 2nd day of December, 1927.

Edmund J. [Signature]
[Signature]
Leon [Signature]
[Signature]
[Signature]
Commissioners