

Decision No. 27717

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
VALLEY EXPRESS CO., a corporation, for
a certificate of public convenience and
necessity authorizing the continuing in
effect of rates and service to and from
San Pablo, Pinole, Hercules, Rodeo, Oleum,
Tormey, Selby, Crockett, Port Costa and
Martinez.

Application No. 19056.

ORIGINAL

W. S. Johnson, for applicant.
H. W. Hobbs, for Southern Pacific Company and Pacific
Motor Transport Company, interested parties.
Edward Stern, for Railway Express Agency, Inc., inter-
ested party.
G. E. Duffy and Berne Levy, for The Atchison, Topeka
and Santa Fe Railway Company, interested party.

BY THE COMMISSION:

O P I N I O N

Applicant, a California corporation operating an express corporation as that term is defined in Section 2(k) of the Public Utilities Act, seeks an order declaring that public convenience and necessity requires and will require its service for the transportation of express between San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey, Selby, Crockett, Port Costa and Martinez on the one hand and various other points in the State of California as shown by its tariffs on file with the Commission, on the other.

Applicant alleges and testified at a hearing had at San Francisco that the service for which the certificate is sought was commenced by it in July, 1933. Rates therefor were filed on July 1, 1933, effective July 7, 1933.¹

¹ 3rd Revised Page 4-A and 5th Revised Page 18 of Valley Express Co. Local Express Tariff 1-B, C.R.C. No. 3.

By Decision 27593 of December 17, 1934, in Application 19177 et al. the Commission held that certificates of public convenience and necessity were not required for operations commenced prior to August 1, 1933. The proceedings were accordingly dismissed. The situation here presented appears to be on all fours with those there under consideration. For the same reason therefore this application should be dismissed.

As in the proceedings heretofore referred to, this action by the Commission must not be taken as a finding that the mere filing of a tariff effective on or before August 1, 1933, constitutes "operating" to the extent indicated therein.

O R D E R

Good cause appearing,

IT IS HEREBY ORDERED that the above entitled proceeding be and it is hereby dismissed.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 4th day of February, 1935.

Leon (Whitely)

W. B. Harris

W. B. Harris

W. B. Harris

Frank R. Newham

Commissioners.