

ORIGINAL

Decision No. 22697

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
CALAVERAS TRANSIT COMPANY, LTD., for)	
authority to combine certain of its)	
freight operative rights between)	Application No. 22697
Stockton and Lake Alpine, California,)	
and to publish one freight tariff to)	
cover the combined operation.)	

BY THE COMMISSION:

O P I N I O N

In this application Calaveras Transit Company, Ltd., a corporation, is requesting the consolidation of its highway common carrier operative rights between Stockton and Lake Alpine and intermediate points via San Andreas, Angels and Murphys.

The operative rights involved are those created by Decision No. 25997, dated May 29, 1933, on Application No. 18890, and Decision No. 31143, dated August 1, 1938, on Application No. 22034. Decision No. 25997 granted a certificate to applicant for the transportation of freight as a highway common carrier between Murphys and Lake Alpine and intermediate points as a separate operative right. Later, by Decision No. 31143, applicant was authorized to acquire from the estate of R. E. Beanland, doing business as Stockton - Murphys Freight Line, an operative right created by Decision No. 18722, dated August 17, 1927, which authorized the transportation of freight between Stockton and Murphys and intermediate points.

As justification for the authority sought, applicant alleges as follows:

That applicant by adoption Supplement No. 3 to C.R.C. No. 5 of Stockton-Murphys Freight Line, and by adoption Supplement No. 1 to C.R.C. No. 6 of Stockton-Murphys Freight Line did adopt and make its own, in every respect all the rates, rules and regulations contained in said freight tariffs, and that said rates, rules and regulations are being observed in its operation as a highway common carrier between Stockton and Murphys and intermediate points as authorized in Decision No. 31143, supra.

That applicant is observing rates, rules and regulations contained in its Local Freight Tariff No. 1, C.R.C. No. 1, in its operations as a highway common carrier between Murphys and Lake Alpine and intermediate points as authorized by Decision No. 25997, supra, and that said operations is seasonal from June 15th to October 15th.

That said Local Freight Tariff No. 1, C.R.C. No. 1, of applicant has not been brought into conformity with the minimum rates, rules and regulations prescribed under Decision No. 30370, as amended, in Case No. 4145, Parts "F" and "G", and Decision No. 30640, as amended, in Case No. 4118.

That tariffs C.R.C. Nos. 5 and 6 of Stockton-Murphys Freight Line, and adopted by applicant, have been brought into conformity with the outstanding minimum rate orders of the Commission.

That commencing with the seasonal operation mentioned between Murphys and Lake Alpine, applicant will be compelled to collect freight charges on shipments moving between Stockton and points between Stockton and Murphys

on the one hand, and Lake Alpine and points between Lake Alpine and Murphys on the other, based on a combination of freight rates over Murphys. This combination of freight rates based over Murphys will result in a much higher freight charge than the charge resulting from the minimum through rates prescribed under C.R.C. Decisions 30370 and 30640, supra, and will result in a loss of applicant's business to radial highway common carriers and highway contract carriers who will and must observe rates no lower than prescribed by the Commission in its outstanding minimum rate orders.

We are of the opinion that the authority sought is in the public interest and is not a matter requiring a public hearing. The application will be granted.

O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity requires the establishment and operation by Calaveras Transit Company, Ltd. of a through highway common carrier service between Stockton and Lake Alpine and intermediate points via San Andreas and Murphys, as set forth in Decisions No. 25997, dated May 29, 1933 and No. 31143, dated August 1, 1938.

IT IS ORDERED that the operative rights heretofore granted by said Decisions Nos. 25997 and 31143 are hereby consolidated subject to the following conditions:

1. Applicant shall within a period of not to exceed ninety (90) days from the effective date hereof file inttriplicate, and concurrently make effective on not less than ten (10) days' notice to the Railroad Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which in volume and effect shall not be less than the minimum rates prescribed by the Commission in its currently effective minimum rate orders.
2. Applicant shall file in duplicate, and make effective within a period of not to exceed ninety (90) days after the effective date of this order, on not less than five (5) days' notice to the Railroad Commission and the public, a time schedule or time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 2nd day of
May, 1939.

Raymond W. ...
James P. ...
Ray ...
...
Justin J. ...
COMMISSIONERS