

Decision No. 22650

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY to)
acquire, and GUIDO de GHETALDI, d.b.a.)
CLEAR LAKE MOTOR DRAYAGE, to sell that)
certain motor truck line operating)
between Ukiah and Lucerne, together)
with all operative rights and certain)
equipment pertaining thereto, and,)
further, for authority to consolidate)
all operating rights to be acquired)
with the operating rights now held by)
Pacific Motor Trucking Company by)
virtue of Decision No. 30827 on)
Application No. 21853.)

Application No. 22650

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

On May 2, 1939, the Commission issued its Decision No. 31974 in this proceeding which, among other things, authorized Guido de Ghetaldi to sell and Pacific Motor Trucking Company to acquire certain highway common carrier operative rights between Ukiah and Lucerne and intermediate points as more particularly therein set forth. Such authority was granted subject to the condition that it would lapse and become void if the conditions attached thereto were not complied with within the time fixed in the order of said Decision No. 31974. The conditions were not complied with and the authority for the transfer is now void.

Said Decision No. 31974 also granted a certificate de novo to Pacific Motor Trucking Company in lieu of the operative right that Pacific Motor Trucking Company was authorized to acquire from Guido de Ghetaldi as well as in lieu of certain operative rights held by Pacific Motor Trucking Company authorizing certain highway common carrier operations between Ukiah, Hopland, Upper Lake, Lucerne, Lakeport and other points.

The certificate de novo was granted subject to the conditions, among others, that Pacific Motor Trucking Company should file tariffs and time schedules within the times specified in the order of said Decision No. 31974. The time has expired for the compliance with these conditions.

On June 1, 1939, Pacific Motor Trucking Company filed its supplemental application requesting the Commission to reaffirm the order made in said Decision No. 31974. In support of such request applicant alleges that it has been unable to comply with the conditions set forth in said Decision No. 31974 but will be able to comply with said conditions within the next thirty days. Such request appears to be reasonable and will be granted.

FIRST SUPPLEMENTAL ORDER

Good cause appearing,

IT IS ORDERED that the order contained in Decision No. 31974, dated May 2, 1939, in the above-entitled proceeding, and each and all of the terms and provisions thereof and the declarations therein contained, be and they are hereby adopted and made a part hereof by reference to the same extent and with the same force and effect as though the same were here set forth in full; and

IT IS FURTHER ORDERED that, in lieu of the conditions contained in the order of said Decision No. 31974, the following conditions be and they are hereby adopted and made a part hereof to wit:

1. The authority herein granted shall lapse and be void if the parties hereto shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.

2. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission, or any other rate fixing body, as a measure of value of said property for rate fixing, or for any purpose other than the transfer herein authorized.
3. Applicant Guido de Ghetaldi shall within thirty (30) days after the effective date of the order herein unite with applicant Pacific Motor Trucking Company in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant de Ghetaldi withdrawing and applicant Pacific Motor Trucking Company accepting and establishing such tariffs and all effective supplements thereto.
4. Applicant de Ghetaldi shall within thirty (30) days after the effective date of the order herein withdraw all time schedules filed in his name with the Railroad Commission.
5. Applicant Pacific Motor Trucking Company shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof stipulating therein that said certificate is accepted in lieu of all operating rights created by Decisions Nos. 20713, 23294, 23296, 29698 and 30627.
6. Applicant Pacific Motor Trucking Company shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate, 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 be identical with the rates and rules now in effect between the points involved herein, in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.
7. Applicant Pacific Motor Trucking Company shall file in duplicate, and make effective within a period of not to exceed thirty (30) 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.
8. 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 obtained.

9. No vehicle may be operated by applicant Pacific Motor Trucking Company 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.
10. Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

For all other purposes the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 6th day of June, 1939.

Richard W. Shepard
Frank S. Miller
Ray A. Carey
W. H. Baker
Justus J. Casner
COMMISSIONERS