

ORIGINAL

Decision No. 32724

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PACIFIC FREIGHT LINES, a corporation,)	
for certificate of public convenience)	Supplemental
and necessity to extend trucking serv-)	Application No. 21715
ice as a common carrier between Los)	
Angeles and San Bernardino to Riverside,)	
Redlands, Highlands, etc.)	

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

This is a supplemental application, filed on December 21, 1940, by Pacific Freight Lines, a corporation, for modification of condition No. 1 on page 9 of the typewritten copy of Decision No. 32732, dated January 16, 1940, which authorized highway common carrier operation between San Bernardino and Riverside and intermediate points as an extension and enlargement of applicant's existing operative rights.

Applicant alleges that the condition as now composed imposes a broader restriction than that contemplated in the opinion contained in Decision No. 32732, by reason of the inclusion therein of the phrase "to, from and."

Furthermore, applicant has failed to comply, within the (1) time limit authorized by the Commission, with certain conditions imposed in said Decision No. 32732 requiring the filing of time schedules, tariffs, etc., thereby voiding the order. The supplemental application, therefore, also requests the Commission to

(1) Decision No. 33331, dated July 9, 1940, extending time until October 1, 1940.

revive said Decision No. 32732.

With respect to applicant's request for modification of condition No. 1 above referred to, a reading of the complete opinion and order in Decision No. 32732 establishes applicant's request for modification as a reasonable one and, therefore, the controversial phrase will be eliminated.

In support of applicant's request for revival of Decision No. 32732, applicant alleges there was pending before the Interstate Commerce Commission an application for similar authority upon which action had not been obtained sufficiently prior to the period of time for compliance set forth in Decision No. 33331 for applicant to consummate the transaction authorized therein.

Applicant now advises that the Interstate Commerce Commission has granted the authority referred to above and that it now desires to consummate the transaction by complying with all the conditions heretofore imposed. This request also appears reasonable and will, therefore, be granted.

A public hearing in this matter does not appear necessary.

O R D E R

Good cause appearing therefor,

IT IS ORDERED that condition No. 1 appearing on page 9 of the typewritten copy of Decision No. 32732 be and it is hereby amended to read as follows:

1. Pacific Freight Lines Express shall, contemporaneously with the establishment and operation of service by Pacific Freight Lines as herein authorized, file with the Commission its application to discontinue and abandon all

of its operations as an express corporation, as such is defined in Section 2(k) of the Public Utilities Act, between all points involved in this proceeding, which it now serves through the instrumentality of Pacific Freight Lines, as an underlying carrier.

IT IS FURTHER ORDERED that the order contained in Decision No. 32732, dated January 16, 1940, 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. 32732, 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 applicant shall not have complied with all of 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. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed sixty (60) days from the effective date hereof.
3. Applicant shall commence the service herein authorized within a period of not to exceed sixty (60) 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 shown in the exhibit attached to the application herein granted, or rates and rules satisfactory to the Railroad Commission.
4. Applicant shall file in duplicate, and make effective within a period of not to exceed sixty (60) 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.

5. 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.
6. No vehicle may be operated by applicant herein, unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.
7. 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.

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

Dated at ^{Los Angeles} ~~San Francisco~~, California, this 30th day of December, 1940.

Ray & Riley

Ralph Whelan

W. H. Baker

Justin J. Quenen
COMMISSIONERS