

ORIGINAL

Decision No. 13885

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
FRANK CEDRIC SCHOTT for a certificate)	
of public convenience and necessity)	Application No. 24110
authorizing the transportation of)	
lumber and lumber products between)	
certain termini as set forth herein.)	

BY THE COMMISSION:

O P I N I O N

This is an amended application by Frank Cedric Schott for authority to establish and operate an on-call highway common carrier service, limited to the transportation of lumber and lumber products, ⁽¹⁾ from Canyon Creek and Burney and points within a radius of one mile of said points to Pondosa Upper Yard and Nubieber.

The lumber and lumber products proposed to be transported will originate at mills at or in the vicinity of Canyon Creek and Burney and will be delivered chiefly to the McCloud River Railroad Company and the Western Pacific Railroad Company at Pondosa Upper Yard and Nubieber, respectively, for further movement by rail to various points in California.

Written waivers of protest to the granting of this application, as amended, were received from all of the common

(1) As specifically described in Section 3, Highway Carriers' Tariff No. 2.

(2)
carriers operating in and about the territory proposed to be served.

Applicant Schott is now performing an intrastate service in this area as a highway contract carrier (No. 18-65) and is further performing a similar service in interstate commerce pursuant to authority of the Interstate Commerce Commission, (MC-89533).

Scott Lumber Company, Burney, Burney Lumber Co., Inc., Toutsch Saw Mill, Burney, and the Burney Chamber of Commerce have, in writing, as attested by exhibits attached to this application, indicated support for and need of the service proposed.

The mills above referred to represent practically all of the lumber industry now active in the area. Furthermore, there appears to be every indication that the expansion of their facilities will soon take place and that additional mills may be placed in operation.

It appears that applicant is an experienced operator in the field in which he seeks certification and is financially able to conduct such service. In view of the fact that there is no opposition to his entering upon this common carrier transportation, but rather, a definite urge for the granting of this application, it appears that in the public interest he should be authorized to establish the service sought. Under the existing circumstances, no need for a public hearing is apparent. The application will be granted.

(2) McCloud River Railroad Company, Oregon-Nevada-California Fast Freight, Inc., Southern Pacific Company, Ralph Speer, Thomas B. Riley and Western Pacific Railroad Company.

O R D E R

IT IS ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to Frank Cedric Schott for the establishment and operation of an automotive service, as a highway common carrier, as such is defined in section 2-3/4 of the Public Utilities Act, from Canyon Creek and Burney and points within a radius of one (1) mile of said points to Pondsosa Upper Yard and Nubieber, limited to the transportation of lumber and lumber products as such are specifically described in Section 3 of Highway Carriers' Tariff No. 2 or amendments thereto.

IT IS FURTHER ORDERED that in the operation of said highway common carrier service Frank Cedric Schott shall comply with and observe the following service regulations:

1. File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.
2. Subject to the authority of this Commission to change or modify such at any time by further order, conduct said common carrier operations over and along the following described routes:

Highways Nos. 299 and 39.

3. File in triplicate and concurrently make effective within a period of not to exceed sixty (60) days from the effective date of this order, on not less than five (5) days' notice to the Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates, rules and regulations which in volume and effect shall be identical with the proposed rates, rules and regulations shown in the exhibits attached to the application herein, in so far as they conform to the certificate herein granted, or rates, rules and regulations satisfactory to the Railroad Commission.

4. File, in triplicate, and make effective within a period of not to exceed sixty (60) days from the effective date of this order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to this Commission.

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

Dated at San Francisco, California, this 13th day of May, 1941.

[Signature]
[Signature]
Justin F. Coleman
Francis D. Havens
[Signature]
COMMISSIONERS