

Decision No. 33217

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
FRANK CAUDANA and MAURICE LOVEY, doing)
business as BESONE MOTOR EXPRESS, for)
an order confirming and defining oper-)
ative rights, and for an extension of)
the Bakersfield pickup and delivery)
area, and a lateral right of five miles)
on either side of highways traversed.)

Application No. 23800

BY THE COMMISSION:

ORIGINAL

OPINION ON REHEARING

By Decision No. 33932, dated February 18, 1941, in Application No. 23800, Frank Caudana and Maurice Lovey, doing business as Besone Motor Express, were granted a certificate of public convenience and necessity de novo clarifying, amplifying and consolidating their highway common carrier operative rights between Bakersfield, Taft, Fellows, McKittrick, Maricopa and all intermediate points, as more specifically described and set forth therein, and including the right to serve three miles laterally on either side of the highways traversed.

Under date of March 6, 1941 Southern Pacific Company, Pacific Motor Trucking Company and Sunset Railway Company petitioned for a rehearing in this matter with respect to the "lateral rights" granted therein. The Commission, on March 19, 1941, granted the rehearing. On April 16, 1941 the parties filed a stipulation setting forth a requested amendment to the certificate and asked that the rehearing be submitted on the stipulation without taking further evidence.

The stipulation, in effect, generally provides for a restriction upon the rights of applicant with respect to excluding service to, from and between points located upon the lines of the rail carriers involved and a lateral zone one (1) mile on either side of said rail lines, but specifically retains for applicants the right to serve to, from and between points directly located upon the highways traversed by applicants between the points they were previously authorized to serve.

The parties being agreed and the proposed amendment upon its merits appearing to adequately provide for the public need involved, the prayer of the parties will be granted and the decision will be amended according to the stipulation.

ORDER ON REHEARING

IT IS ORDERED that the order in Decision No. 33932 be and it is hereby amended to read as follows:

"IT IS ORDERED that a certificate de novo be and it is hereby granted to Frank Caudana and Maurice Lovey, co-partners, doing business under the name and style of Besone Motor Express, for the establishment and operation of an automotive service as a common carrier, as such is defined in section 2-3/4 of the Public Utilities Act, between Bakersfield (including the territory heretofore referred to and described in Exhibit A of the application) Taft, Fellows, McKittrick, Maricopa and all intermediate points, including Buttonwillow, Rio Bravo, Panama and Old River, and laterally within a zone extending three (3) miles on each side of the highways hereinafter designated to be traversed, but excluding from such zone Kern Junction, Bakersfield Corrales, Strader, Wible Orchard, Venola, Gosford, Stevens and Strand, California, and all points within a zone extending laterally one (1) mile on each side of the railroad line between Kern Junction and Strand, together with transportation resulting in a haul across said line between Kern Junction and Strand, California; also excluding Bannister, Conner, Millux, and Pentland, California, and all points within a zone extending laterally one (1) mile on each side of the railroad line

between Gosford and Pentland, California; but none of the foregoing restrictions shall exclude the right to serve any points directly on the highways hereinafter designated to be traversed; as a single and unified system, in lieu of their existing operative rights as authorized, acquired, or amended by Decisions Nos. 5602, dated July 26, 1918, 7784, dated June 24, 1920, 11237, dated November 14, 1922, 18352, dated May 14, 1927, and 23481, dated March 19, 1931, on Applications Nos. 3843, 5395, 8241, 13747, and 17232, respectively."

In all other respects Decision No. 33932 shall remain in full force and effect.

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

Dated at San Francisco, California, this 25th day of May, 1941.

[Signature]
[Signature]
Justin J. Calver
Francis D. Havenner
[Signature]
 COMMISSIONERS