

Decision No. 34522**ORIGINAL**

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 EL DORADO MOTOR TRANSPORTATION COMPANY, )  
 a corporation, to sell, and WILLIS N. )  
 CAPEN, to purchase, an automobile freight ) Application  
 line operated between Sacramento, on the ) No. 24298  
 one hand, and Pacific House and all points )  
 easterly therefrom to State Line, Tallac, )  
 and Fallen Leaf Lake, on the other hand. )

BY THE COMMISSION:

SUPPLEMENTAL OPINION

By his supplemental application in this matter, applicant Capen requests that Decision No. 34429, rendered July 21, 1941 in this proceeding, be modified by substituting his true name, viz: Willis M. Capen for that by which he has been erroneously designated, i.e., Willis N. Capen, and also by substituting Pacific House for Placerville as one of the points excepted from those between which joint rates would be maintained by applicants Capen and El Dorado Motor Transportation Company (sometimes referred to for brevity as El Dorado).

In this proceeding applicant Capen has been designated from its inception as Willis N. Capen. In this respect the order was responsive to the applications, both original and amended. Since it now appears that applicants were in error in so designating him, the record will be corrected accordingly, and his true name, Willis M. Capen, will be substituted.

By Decision No. 34429 El Dorado was authorized to transfer to Capen that portion of its operative right as a highway common carrier extending from Pacific House to Lake Tahoe points; Capen was granted a certificate, which was consolidated with that

portion of the operative right so transferred, authorizing operation between Sacramento and Pacific House; and both El Dorado and Capen were authorized to establish joint rates between points on the line of El Dorado (excepting Sacramento and Placerville), on the one hand, and points on the line of Capen extending easterly from and including Pacific House, on the other hand, such traffic to be interchanged at Placerville. By the supplemental application it is now sought to substitute Pacific House for Placerville as an excepted point. Under this arrangement traffic would continue to be interchanged at Placerville.

The provisions of Decision No. 34429, which was granted ex parte, relating to the establishment of joint rates, rested upon the statements appearing in the amended application. Applicants alleged therein that for the purpose of giving effect to the agreement executed by the parties it became necessary, among other things, "...to obtain authorization from the Railroad Commission of California to publish through and joint rates by El Dorado Motor Transportation Company, a corporation, and Willis N. Capen, covering all points intermediate to Sacramento and Placerville, California, and excluding the points of Sacramento and Placerville; the point of interchange under such through and joint rate arrangement to be at Placerville, California."

From the supplemental application it now appears that through inadvertence Placerville rather than Pacific House was named as a point to be excepted from the operation of the joint rates. It is alleged that unless the decision is corrected in this respect "...there will exist no through and joint rates between Placerville, Camino, and Pacific House, and other points, and, furthermore, that a combination of the local tariffs involved

between those points will bring about a violation of long and short haul provisions in relation to transportation." Presumably applicants have in mind the fact that joint rates would not exist between Placerville, Camino and Pollock Pines, on the one hand, and points on the line of Capen east of and including Pacific House, on the other hand. This, as pointed out, would result in long and short haul violations.

Neither applicants nor the public, we believe, should be compelled to suffer such a disadvantage because of the erroneous and inadvertent designation by applicants of Placerville as an excepted point. The order will therefore be corrected in this respect. No public hearing is necessary.

O R D E R

Application having been made to modify and amend the decision heretofore rendered in this proceeding, the Commission now being fully advised, and good cause appearing:

IT IS ORDERED that Decision No. 34429, made and rendered July 21, 1941 in the above-entitled proceeding, be and it hereby is modified and amended in the following respects:

(a) That the declaration of public convenience and necessity relating to the establishment of joint rates by applicants in said proceeding, appearing on Page 7 of the mimeographed decision, be and it hereby is amended to read as follows:

"THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and maintenance by El Dorado Motor Transportation Company and Willis M. Capen of joint rates between points on their several lines, operated, or to be operated, by

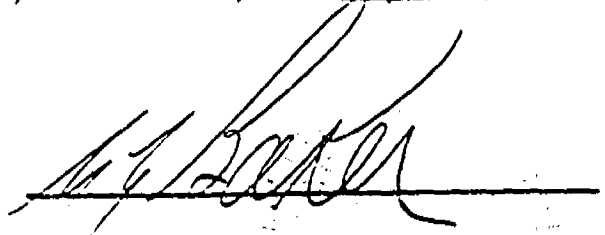
them respectively as highway common carriers, to wit: between points on the line of El Dorado Motor Transportation Company intermediate to Sacramento and Pacific House (but excluding Sacramento and Pacific House) on the one hand, and points on the line of said Capen extending easterly from and including Pacific House, on the other hand, such traffic to be interchanged at Placerville."

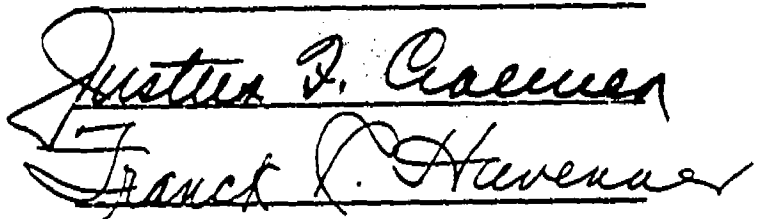
(b) That the true name of applicant Capen, viz: Willis M. Capen be substituted for the name by which he heretofore erroneously and inadvertently has been designated in said proceeding, viz., Willis N. Capen, wherever the latter appears in said decision.

IT IS HEREBY ORDERED that in all other respects said Decision No. 34429 shall be and remain in full force and effect.

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

Dated at San Francisco, California, this 19th day of August, 1941.







COMMISSIONERS