

Decision No. 35163

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. H. BALLEW for a certificate of)
 public convenience and necessity to)
 operate an auto truck line for the)
 transportation of freight as a high-) Application No. 24807
 way common carrier between Chico and)
 the Chico Basic Flying School in the)
 County of Butte, State of California.)

BY THE COMMISSION:

O P I N I O N

By his application in this proceeding, J. H. Ballew seeks a certificate of public convenience and necessity under Section 50-3/4, Public Utilities Act, authorizing operation as a highway common carrier, as defined by Section 2-3/4 of that Act, between Chico and the Chico Basic Flying School, situated approximately six miles northeast of Chico.

Applicant, a contract drayman employed by Sacramento Northern Railway to perform its local store-door pickup and delivery service at Chico, proposes to conduct this operation in conjunction with the transportation of Sacramento Northern traffic. Although the latter will serve the field by a rail spur it now is constructing from Chico, occasions may arise, it is alleged, when the traffic could be handled more efficiently and economically through applicant's motor truck facilities. Joint rates, it appears, would be established between applicant and Sacramento Northern Railway. No fixed schedule would be observed, applicant undertaking to operate whenever the needs of traffic may require. Upon the showing made, no public hearing is required. Applicant, it is alleged, possesses sufficient equipment, and is

financially able, to provide an adequate service. It appears that a public need exists for the establishment of the proposed service and, accordingly, the application will be granted.

O R D E R

Application having been made as above-entitled; and the Commission being of the opinion, and now finding, that public convenience and necessity so require:

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is granted to J. E. Ballew, an individual, authorizing operation as a highway common carrier as defined by Section 2-3/4, Public Utilities Act, between Chico and the Chico Basic Flying School.

Said certificate is granted subject to the following condition:

J. E. Ballew, his successors and assigns, shall never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

(2) That in the operation of a highway common carrier service pursuant to the foregoing certificate, the following service regulations shall be observed:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the rules of General Order No. 80, and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission, within sixty (60) days from the effective date hereof, and on not less than one (1) day's notice to the Commission and the public.

3. Applicant shall conduct said highway common carrier operations over and along the following routes, subject to the authority of the Commission to change or modify them at any time by further order:

To the Chico Basic Flying School:

- (a) From Chico, via U. S. Highway 99-E to the junction with the county road known as Richardson Springs Road; thence via Richardson Springs Road to the Chico Basic Flying School.
- (b) Over any and all public highways, open and available for truck operation, between Chico and the Chico Basic Flying School.
- (c) Returning via the same routes.

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

Dated at San Francisco, California, this 24th day of March, 1942.

Justin J. Craven
Ray W. Wiley
H. B. ...
James S. Havenner
Richard ...
COMMISSIONERS