

ORIGINAL

Decision No. 35200

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of JOHN S. GINOCCHIO, an individual, doing business as NEVADA CALIFORNIA TRANSPORTATION COMPANY, for a certificate of public convenience and necessity to operate a common carrier service for the transportation of property between Johnstonville, Cal., and Alturas, Cal., and intermediate points; also between point of highway departure near Bird Flat School House, Cal., and United States Army Ordnance Depot, Honey Lake Valley, Cal.)
Application No. 24775

BY THE COMMISSION:

INTERIM OPINION

John S. Ginocchio, doing business as Nevada California Transportation Company, by the above-entitled application requests a certificate of public convenience and necessity authorizing him to operate as a highway common carrier between Johnstonville, Alturas and intermediate points and also between a point on U. S. Highway No. 395 near Bird Flat School House and the United States Army Ordnance Depot at Honey Lake Valley.

As appears above, the right requested is divided into two parts. No immediate need for the service between Johnstonville and Alturas is shown by the application. However, as to the proposed operation between Bird Flat School House and the United States Army Ordnance Depot, located approximately five miles east of the school house, it appears that service is needed immediately. It is alleged in the application that there will be a heavy movement to the depot of construction materials, food and military supplies, ordnance, equipment and miscellaneous articles. No highway common carriers are

authorized to serve the depot and applicant asserts his service is required. Southern Pacific Company and the Western Pacific Railroad Company have notified the Commission that they are not opposed to the granting of a certificate to John S. Ginocchio authorizing him to operate to the ordnance depot.

In view of the national emergency resulting from the war and the apparent necessity for service to the Army depot, it appears that a public hearing is unnecessary. The Commission is of the opinion and finds that public convenience and necessity require that this portion of the application be granted. Jurisdiction will be retained of that part of the application which seeks authority to operate between Johnstonville and Alturas and action thereon will be taken after further consideration.

O R D E R

IT IS ORDERED that a certificate of public convenience and necessity is granted to John S. Ginocchio, doing business as Nevada California Transportation Company, authorizing him to operate as a highway common carrier, as that term is defined in Section 2-3/4 of the Public Utilities Act, between Bird Flat School House and the United States Army Ordnance Depot at Honey Lake Valley

John S. Ginocchio, his successors or assigns, may 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.

IT IS FURTHER ORDERED that, in the operation of said highway common carrier service, John S. Ginocchio 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 them at any time by further order, conduct said highway common carrier operations over and along the most appropriate route or routes between the points herein authorized to be served.
3. Comply with the rules of the Commission's 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 five (5) days' notice to the Commission and the public.

The Commission retains jurisdiction of this application insofar as it relates to a certificate between Johnstonville and Alturas so that such other or further orders as may appear just and proper, or as may be required by public convenience and necessity, may be issued.

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

Dated at San Francisco, California, this 31st day of

March, 1942.

Ray H. Riley
Francis D. Hernandez
Richard R. ...
COMMISSIONERS