

ORIGINAL

Decision No. 35405

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 T. F. BURNS for a certificate of public)
 convenience and necessity to operate an)
 auto truck line for the transportation)
 of freight as a highway common carrier) Application No. 24849
 between Marysville and proposed Marys-)
 ville Army Cantonment in the County of)
 Yuba, State of California.)

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

By Decision No. 35253, rendered in this matter April 14, 1942, a certificate of public convenience and necessity was granted to the applicant, T. F. Burns, authorizing the establishment of a service as a highway common carrier between Marysville and the Marysville Army Cantonment. As stated in that decision, applicant sought to limit this service to the transportation of traffic moving over the rail lines of Western Pacific Railroad Company and Sacramento Northern Railway, and to exclude traffic handled locally between Marysville and the Cantonment. However, through inadvertence these limitations did not appear in the order, and applicant now requests a modification of the original decision so that it will conform to the application. In our judgment, applicant's request is meritorious and the decision will be modified accordingly.

FIRST SUPPLEMENTAL ORDER

Applicant having applied for a modification of the decision rendered herein; and the Commission being now fully advised,

IT IS ORDERED:

(1) That Decision No. 35253, made and rendered in the above entitled proceeding on April 14, 1942, be and it hereby is modified in the following respects:

(a) By striking out the language appearing on page 3 of the mimeographed decision, reading as follows:

"Said certificate is granted subject to the following condition:

"That T. F. Burns, his successors or 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."

(b) By substituting for the language so stricken, the following:

"Said certificate is granted subject to the following conditions:

- (i) The service to be performed thereunder shall be limited to the transportation of traffic which has originated at, or may be destined to, points beyond Marysville; which has been, or may be, transported to or from Marysville over the rail lines of Western Pacific Railroad Company or Sacramento Northern Railway, or their respective connecting carriers; and which shall have received, or may receive, in addition to the transportation performed by applicant, a prior or a subsequent movement by rail;
- (ii) No traffic shall be transported locally between Marysville and Marysville Army Cantonment;
- (iii) Said T. F. Burns, his successors or 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 the time within which applicant may

comply with the service regulations set forth in said Decision No. 35253, shall be, and it hereby is extended until and including thirty (30) days from the effective date hereof.

(3) That in all other respects said Decision No. 35253 shall remain in full force and effect.

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

Dated at San Francisco, California, this 26th day of May, 1942.

Justin F. Coe
Ray & Rice

[Signature]
COMMISSIONERS