

Decision No. 35622

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- )  
way common carrier between Chico and )  
the Chico Basic Flying School in the )  
County of Butte, State of California.)

Application No. 24807

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

By Decision No. 35163 rendered in this matter March 24, 1942, a certificate of public convenience and necessity was granted to the applicant, J. H. Ballew, authorizing the operation of a highway common carrier service between Chico and the Chico Basic Flying School. As stated in the opinion, applicant sought to perform this service in conjunction with the rail operations of Sacramento Northern Railway. On its face, the decision authorizes the transportation of traffic locally between Chico and the Field. Applicant now requests that the operating right be limited to the transportation of traffic which also may have moved or would move over the rails of Sacramento Northern Railway. In our judgement this 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. 35163, made and rendered in the above entitled proceeding on March 24, 1942, be and it hereby is modified in the following respects:

(a) By striking out the language appearing on page 2 of the mimeographed decision, reading as follows:

"Said certificate is granted subject to the following condition:

"J. H. 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."

(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 Chico; which has been, or may be, transported to or from Chico over the rail lines of Sacramento Northern Railway, or its 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 Chico and the Chico Basic Flying School;
- (iii) Said J. H. Ballew, 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. 35163, 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. 35163 shall remain in full force and effect.

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

Dated at San Francisco, California, this 4th day of August, 1942.

Justin J. Coe  
Ray L. Perry  
J. B. Kelly  
Francis R. Havens  
Richard K. Adams  
COMMISSIONERS