

Decision No. 36022

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
C. C. ADAMS for certificate of public)	
convenience and necessity to operate)	
property service between Willows,)	Application No. 25328
Fruto, Elk Creek, Stonyford, Lodega,)	
Sites and Willows.)	

BY THE COMMISSION:

ORIGINAL

O P I N I O N

This is an application by C. C. Adams for a certificate of public convenience and necessity authorizing the transportation of property by motor truck between Willows and Sites and intermediate points.

The reasons assigned for justification of such service are the facts that no similar transportation facilities are available to the communities named, and that applicant holds a mail contract with the Federal Government over the identical route, and serving the same communities, which he now proposes to serve as a highway common carrier.

Applicant has available for this service three pieces of equipment, consisting of one truck, one tractor and a semi-trailer. Time schedules and tariffs accompany the application.

(1)
By virtue of three decisions of the Commission,
D. O. Sullivan was granted certificates to render common carrier

(1) Decision No. 9794 in Application No. 7072.
Decision No. 13392 in Application No. 9755.
Decision No. 27186 in Application No. 27186.

service between Willows and Maxwell, serving the communities embraced in the instant application. Sullivan also had the mail contract in this territory. That contract expired on June 30, 1942, and was not renewed. Sullivan averred that his common carrier service could not be operated profitably without the mail contract, so the Commission granted him authority to abandon his operative right between Willows and Maxwell and intermediate points.⁽²⁾

The mail contract formerly held by Sullivan was given to the applicant herein, and he now seeks authority to re-establish the operative right heretofore possessed by Sullivan. It seems clear that while the service herein proposed is in and of itself not a profitable one, nevertheless, if operated in conjunction with the mail contract it could be made profitable.

Under the circumstances it appears to us that there is a necessity for the proposed service and that a public hearing need not be had. The application will be granted.

ORDER

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to C. C. Adams authorizing the operation of a highway common carrier service, as defined in section 2-3/4 of the Public Utilities Act, between Willows and Sites and intermediate points.

The foregoing certificate is granted subject to the condition that:

(2) Decision No. 35674 in Application No. 25121.

C. C. Adams his successors or assigns, may never claim before this Commission, or any court or other public body, a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by it in securing said operative authority.

IT IS FURTHER ORDERED that in the operation of said highway common carrier service, C. C. Adams 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 effective date hereof.
2. 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.
3. Conduct said highway common carrier service over and along the most appropriate route or routes subject to the authority of the Railroad Commission to change or modify them at any time by further order.

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

Dated at San Francisco, California, this 15th day of December, 1942.

Justus J. Callahan
W. H. Baker
Francis C. Havens
Richard Baker
 COMMISSIONERS