

Decision No. 36023

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GEORGE S. BUTLER, doing business as )  
 BUTLER FREIGHT SERVICE, for a certifi-) )  
 cate of public convenience and )  
 necessity for the transportation of )  
 property by motor vehicle to and from ) Application No. 25276  
 the U. S. Naval Base on Humboldt Bay, )  
 near Eureka, and intermediate points, )  
 as an extension and enlargement of )  
 applicant's existing rights. )

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

This is a supplemental application of Geo. S. Butler, doing business under the firm name and style of Butler Freight Service, (for a certificate of public convenience and necessity authorizing the establishment and operation of a common carrier service for the transportation of property between Arcata and the U. S. Naval Base on the north jetty of Humboldt Bay.)

The original application embodied a request for authority to serve intermediate points between Arcata and Samoa, the latter a point between Eureka and Arcata, but this intermediate service was eliminated from the application by amendment. Northwestern Pacific Railroad Company and Coggeshall Launch Company, both operating in this territory, withdrew their objection upon the elimination of the request for local service.

Applicant's operative rights were established pursuant to Decision No. 28303, dated October 29, 1935, and authorized the transportation of property between Crescent City and Eureka and intermediate points over the main highway, now known as U.S. Highway No. 101.

The U. S. Naval Base is located on the north jetty of Humboldt Bay approximately thirteen miles southwesterly from Arcata. At present there is no direct common carrier service to and from said Base. The Commandant of the Base states that the proposed service would be advantageous to the Navy.

We are of the opinion that there exists a public necessity for the service herein proposed and that the application should be granted. There appears no need for a public hearing.

#### O R D E R

Application having been filed in the above-entitled matter and the Commission being duly advised, and hereby finding that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity is granted to George S. Butler, doing business as Butler Freight Service, authorizing the operation of a highway common carrier service, as defined in section 2-3/4 of the Public Utilities Act, between Arcata and the U. S. Naval Base on the north jetty of Humboldt Bay, located approximately thirteen miles southwesterly of Arcata, subject to the following restriction and condition:

1. That applicant shall render no service to or from any point intermediate between Arcata and said U. S. Naval Base.
2. That George S. Butler, doing business as Butler Freight Service, 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 him in securing said operative authority.

IT IS FURTHER ORDERED that in the operation of said

