

Decision No. 36359

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of )  
J. P. SPAENHOWER for a certificate )  
of public convenience and necessity )  
for the establishment and operation )  
of a highway common carrier service: )  
(a) between points presently served, )  
on the one hand, and Kentucky House, )  
on the other hand, and (b) points and )  
places laterally within one mile on )  
either side of the route traversed. )

Application No. 25623

BY THE COMMISSION:

O P I N I O N

On August 11, 1942 the Commission rendered its Decision No. 35679, in Application No. 25191, in which J. P. Spaenhowe, applicant in the instant proceeding, was authorized to acquire from Calaveras Transit Co., Ltd. a highway common carrier operative right between Stockton, Murphys and Lake Alpine and intermediate points, via Linden, Belotta, Valley Springs, San Andreas, Angels Camp and Vallecito.

In the application here considered a certificate is sought authorizing the extension of this service to Kentucky House and all off-route points within one mile of applicant's present route of operation. Kentucky House is situated about 2½ miles from applicant's present route between San Andreas and Angels Camp.

Applicant asserts that the following conditions exist which are relied upon as justification for the granting of the authority sought:

That the principal industrial institutions in Kentucky House are Calaveras Cement Company and Standard Oil Company. That your applicant is informed and believes that Kentucky House has been served by applicant's predecessors since 1927, and by applicant since applicant

acquired these highway common carrier operations. That applicant has just been informed that there is a question as to applicant's authority to serve Kentucky House. That adjacent to and laterally and within one mile of the highway route traversed by applicant are located a number of farms, ranches, service stations and small stores and summer resorts. That many of such people ship and receive freight and have requested of your applicant that he provide a service on behalf of such people to and from points laterally within one mile of the route traversed.

After full consideration of applicant's request the Commission is of the opinion that the authority sought is in the public interest and should be granted. This is not a matter in which a public hearing is necessary.

O R D E R

It being hereby found that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to J. P. Spaenhower authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between San Andreas and Kentucky House and intermediate points, and between all points presently served by applicant and all off-route points within one (1) mile of applicant's route of operation, as hereinafter more specifically defined, between Stockton and Lake Alpine, via Valley Springs, San Andreas, Angels Camp and Murphys, as an extension and enlargement of the operative rights acquired under the authority of the Commission's Decision No. 35679, provided that:

J. P. Spaenhower, 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 highway common carrier service, the following service regulations shall be complied with:

1. Applicant shall 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. Applicant shall comply with the provisions of 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 one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct the highway common carrier service herein authorized, and that acquired under Decision No. 35679, over and along the following routes:

Between Stockton and Valley Springs over California State Route No. 8;

Between Valley Springs and San Andreas over California State Route No. 12;

Between San Andreas and Angels Camp over California State Route No. 49;

Between Angels Camp and Lake Alpine over California State Route No. 4;

To and from Kentucky House over county road connecting with California State Route No. 49.

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

Dated at San Francisco, California, this 18<sup>th</sup> day of May, 1943.

Francis D. Haberman  
Arthur H. Curtis  
Thomas J. ...  
Walter ...  
 COMMISSIONERS