

37298

Decision No. _____

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PACIFIC MOTOR TRUCKING COMPANY for a)
 certificate of public convenience and)
 necessity to operate motor vehicles) Application No. 26057
 over the public highway between the)
 stations of Tulare, California, and)
 Octol Field, California.)

BY THE COMMISSION:

O P I N I O N

In this application Pacific Motor Trucking Company requests a certificate of public convenience and necessity to operate as a highway common carrier of property between Tulare and Octol Field, including the right to perform pickup and delivery service with line-haul equipment at each of said points.

Octol Field (also known as Rankin Aero Academy) is located approximately eight miles in a southeasterly direction from Tulare, and there is a regular movement of airplane parts and other maintenance materials and supplies to and from the field. Shipments now move via the rail lines of Southern Pacific Company and are transported between Tulare and Octol Field by government trucks.

The Commanding Officer in charge of Octol Field has requested that the application be granted.

Applicant proposes to operate an on-call service, daily except Sundays and holidays, and to file tariffs in its own name setting forth local rates between the points no lower than the minimum rates prescribed by the Commission in its Decision No. 31606, as amended, in Case No. 4246. Applicant also proposes to

perform service in connection with the rail service of Southern Pacific Company under proper joint rate arrangements.

Pacific Freight Lines serves the points in question and protested the granting of the application in its present form on the ground that the existing facilities are adequate to meet all transportation needs. However, that carrier withdrew its protest when assured by applicant that the proposed service is limited to the duration of the war.

We do not deem it practicable to issue a certificate for a period based on an eventuality as uncertain as the ending of the war. Rather are we of the opinion that the certificate should be granted free of any such condition, with the understanding that the matter may again be brought before the Commission by petition of the applicant or any other interested party, the Commission reserving the right to modify or revoke this certificate at any time.

From the facts of record it appears to us that the service as proposed is necessary in the public interest and the application will be granted. A public hearing is not required.

Pacific Motor Trucking Company is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

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 as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Pacific Motor Trucking Company authorizing the establishment and operation of a highway common carrier service, as defined in Section 2-3/4 of the Public Utilities Act, between Tulare and Octol Field, located approximately eight miles southeasterly of Tulare, subject to the right of the Commission to determine at any time the need for a continuance of this service after the war emergency shall have terminated, and subject further to the following condition:

The service authorized shall be limited to the transportation of shipments which have received, or may receive, in addition to the movement by applicant, an immediately prior or subsequent movement by rail over the lines of Southern Pacific Company.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

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, appropriate tariffs and time schedules 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 by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the most appropriate route or routes between the points herein authorized to be served.

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

Dated at San Francisco, California, this 29th
day of August, 1944.

Richard L. Locke
Justus F. Currier
Francis L. Havens
Francis W. O'Leary
Wesley R. Rance
COMMISSIONERS