

Decision No. 39632

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
JOSEPH M. LARRALDE, doing business as)
PEAVINE TRANSFER for a certificate of)
public convenience and necessity to)
operate a property and/or baggage)
truck line service between Truckee,)
California, and Lakeside, California,)
and intermediate points, and between)
Truckee, California, and Brockway,)
California, and intermediate points.)

ORIGINAL

Application No. 27429

JESSE H. EVANS, for applicant.

CRAEMER, COMMISSIONER

O P I N I O N

In this application, as amended, Joseph Larralde is requesting a certificate of public convenience and necessity to operate as a highway common carrier of property between Truckee and Tahoe Valley and between Truckee and Brockway, all points except Truckee being located on the shores of Lake Tahoe. As originally filed the southern terminus of the proposed route extended to, and included, Lakeside, but was amended through agreement with one of the protestants who thereupon withdrew its protest.

A public hearing was held at El Tahoe on October 18, 1946, and the matter was submitted.

Applicant testified that the need for the proposed service was based upon present inadequacy of property transportation presently afforded to points located on the shores of Lake Tahoe lying within California. Both summer and winter residents are increasing in numbers, and there has arisen a general demand for the service proposed. The construction of new cabins and places of amusement has created a

demand for building materials which require increased facilities for their transportation and which applicant is prepared to render.

Proposed rates to be charged will be in conformity with rates established by the Commission in Decision No. 31606, as amended, in Case No. 4603. Time schedules, filed with the application, will be followed in all cases except when weather will not permit, and will be adjusted to conform with the amendments hereinabove referred to.

Prior to the hearing, Southern Pacific Company, Pacific Motor Trucking Company and Western Truck Lines, Inc. had signified their intention of protesting the granting of the application. However as a result of stipulations arrived at with the applicant, these carriers⁽¹⁾ withdrew their protests.

From the facts of record it appears to us that the service as proposed is necessary and in the public interest, and the application will be granted.

Joseph M. Lerralde 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.

(1) The application was amended by the elimination of proposed service eastward beyond Tahoe Valley, requested by Western Truck Lines, and by limiting service out of Truckee only between October 16 and April 14, as requested by Southern Pacific Company and Pacific Motor Trucking Company.

The following form of Order is recommended.

O R D E R

Application having been made 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 Joseph M. Larralde authorizing the establishment and operation of a highway common carrier service, as defined in Section 2-3/4 of the Public Utilities Act, between Truckee and Tahoe Valley and intermediate points, and between Truckee and Brockway, via Tahoe City, and intermediate points subject to the following conditions:

That service as above authorized shall be limited to service out of Truckee only between October 16 and the following April 14, both dates inclusive.

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

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall establish the service herein authorized and 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 tables.
- c. Subject to the authority of this Commission to change or modify it by further order, applicant shall conduct operations pursuant to the certificate herein granted, over and along the following routes:
 1. Between Truckee on Highway No. 40 and Junction 89 over Highway 89 to Junction 50 at Tahoe Valley.

2. Between Truckee on Highway No. 40 and Junction No. 89 to Tahoe City over Highway No. 89 and over unnumbered highway from Tahoe City to Brockway.

The effective date of this order shall be 20 days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at Los Angeles, California, this 15th day of November, 1946.

Harold H. Hild
Justin F. Casper
Grant Powell

CERTIFIED AS A TRUE COPY

Secretary, Railroad Commission
of the State of California