

ORIGINAL

Decision No. 44002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
FRANK C. WINANS and GRANT A. WINANS)	Application No. 29621
doing business as WINANS BROTHERS, and)	29680
related applications, for certificates)	29762
of public convenience and necessity to)	29792
operate as highway common carrier for)	29793
the transportation of lumber and forest)	29892
products over described routes and)	29936
between specified points in Northern)	✓29965
California.)	

THIRD SUPPLEMENTAL OPINION AND ORDER

On February 8, 1950, Yreka Western Railroad, applicant in Application No. 29892, filed a petition requesting modification of Decision No. 43424, dated October 18, 1949, as amended by Decision No. 43587, dated December 6, 1949, by extending the time in which to file written acceptance of the certificate granted to it to not to exceed 120 days from the effective date of the original order.

In the petition filed February 8, 1950, it was alleged in substance that before accepting the certificate granted by Decision No. 43424, petitioner desired to make proper arrangements with the Southern Pacific Company for the publication of through joint rates from the area where operations were authorized and that while negotiations to this end had been commenced, it appeared that considerable time would be required for their completion.

Subsequent to the filing of the petition for modification, referred to in the foregoing opinion, petitioner's attorney orally, and subsequently in writing under date of March 22, 1950, advised

the Commission that circumstances beyond said petitioner's control make it impossible to accept said certificate.

The record in this proceeding shows that other applicants were granted and have accepted certificates of public convenience and necessity covering the highways and territory applied for by Yreka Western Railroad in its original application. It, therefore, appears that the revocation of the certificate of public convenience and necessity originally granted to this petitioner will not be adverse to the public interest.

In addition it is deemed advisable at this time to correct an inadvertent error which has been detected in connection with the certificate of public convenience and necessity granted to Rochlitz Brothers, Inc., by Decision No. 43424 and the order will so provide.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted to Yreka Western Railroad in Decision No. 43424, as amended by Decision No. 43587, is hereby revoked, annulled and cancelled.

(2) That subparagraph (e) of paragraph (1) of the order in Decision No. 43424 is hereby amended by changing route 3 to read as follows:

"3. Over State Highway 96 between U. S. Highway 99 and U. S. Highway 299."

(3) In all other respects, the order in Decision No. 43424, as amended by Decision No. 43581 and Decision No. 43812, shall remain in full force and effect.

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

Dated at Los Angeles, California, this 4th day of April, 1950.

R. J. Anderson
Justus J. Green
Earl D. Powell
Harold Hula
Penelope Totten
Commissioners