

cate granted by Decision No. 44212 could be accepted, to and including the 50th day after May 23, 1950.

The certificate was accepted during said extended period, but applicant failed to comply with the requirement of said Decision No. 44212 that the increased tariff authorized therein be filed with the Commission.

By the present supplemental application, Mountain Stage Line, Inc. asks that it be authorized again to file tariffs in accordance with the authorization of said Decision No. 44212, and that it be permitted to depart from the provisions of General Orders Nos. 79 and 80, which require the designations by symbols of advances and reductions. Applicant alleges that its fare, rate, and rule changes are numerous, and the designation of each change would unduly complicate its tariff. Permission also is sought to establish such increased rates on not less than five days' notice to the Commission and the public. Applicant alleges that its failure to comply with the tariff filing requirements of Decision No. 44212 was unintentional, and resulted from a lack of knowledge and understanding of Commission rules and regulations.

Applicant asks that it be exempted from the minimum rates established in Cases Nos. 4246 and 4808 by the addition of its name to Paragraph "C" of Finding No. 14 of Decision No. 31606. Decision No. 44212, in Application No. 30946, in effect authorized applicant to deviate from the minimum rates. However, in order that there be no ambiguity with respect to applicable provisions, applicant asks that it be specifically exempted from the minimum rates. Aside from the justification hitherto advanced with respect to

Application No. 30946, applicant avers that the transportation of express accounts for only a small portion of its revenues, that the shipments are limited to those not exceeding 100 pounds, and that application of the present minimum rate provisions would be unduly burdensome and accomplish no useful purpose.

Amendment is sought of the authorized route between Lakeside and Ramona so as to exclude Fernbrook and Foster. The highway between Lakeside and Ramona was relocated a number of years ago. As a result, these two points are now located on a branch road. Applicant has not provided service to these points since the road was relocated, and believes that there is not sufficient demand for its service to justify the expense of deviating from the main highway to serve these points.

Authority is sought to provide "on-call service" for the transportation of persons, baggage, and express between Julian and Cuyamaca and intermediate points via Sunrise Junction, and between Julian and Pine Hills Lodge and intermediate points. This authority is sought as reinstatement of authority formerly held by applicant under Decision No. 41068. When applicant's present operative authority was consolidated in an in-lieu certificate by Decision No. 44212, authorization to serve Cuyamaca and Pine Hills Lodge was by implication, but not expressly granted.

Applicant also requests that the transportation of baggage and express be limited to its movement on passenger-carrying vehicles. A restriction likewise is requested between applicant's terminal in San Diego and a point on Camino Del Rio one-half mile easterly from the easterly line of the intersection of Camino Del

Rio, Taylor and Moreno Boulevard. In view of the requested re-routing by Application No. 31917 and the granting of such request by Decision No. 45599, dated April 17, 1951, this requested restriction becomes inapplicable and consequently will not be granted. A restriction against carrying express between San Diego and Ramona and intermediate points is also asked.

From an examination of said Decision No. 44212, as amended, it appears that, through inadvertence, the certificate granted by Decision No. 41069 was revoked and rescinded, whereas Decision No. 41068 was intended to be, and should have been, revoked and rescinded.

As it appears that the requests and proposed amendment are not contrary to the public interest and will not affect other carriers, the application, with the exceptions hereinbefore noted, will be granted. It should be stated, however, that, with the change in route granted by said Decision No. 45599 on Application No. 31917 to serve the community of Fletcher Hills, any reduction in fares to meet competition in that area must not be permitted to result in a violation of Section 21 of Article XII of the State Constitution. At the hearing on said Application No. 31917, applicant's president testified that, if necessary, its other rates would be reduced so that charges for through transportation would not exceed the aggregate of intermediate rates. A public hearing on Supplemental Application No. 30946 is unnecessary.

O R D E R

Application therefor having been made, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED:

(1) That the first route description in subparagraph (c) of paragraph (2) of the order in said Decision No. 44212, as amended by said Decision No. 44297, be, and the same hereby is, amended by deleting therefrom the words "Fernbrook and Foster".

(2) That the third ordering paragraph of said Decision No. 44212 be amended by deleting therefrom the number 41069 and substituting therefor the number 41068.

(3) That Mountain Stage Line, Inc., be, and it hereby is, authorized on not less than five (5) days' notice to the Commission and the public:

- (a) To establish fares, charges, rules, and regulations as specifically set forth in Exhibit B attached to Application No. 30946, as amended.
- (b) To cancel applicant's local passenger tariff C.R.C. No. 2 and Cal. P.U.C. No. 5, now on file with this Commission.
- (c) To establish fares, charges, rules, and regulations as specifically set forth in Exhibit C attached to said Application No. 30946, as amended.
- (d) To cancel present express-class rates and minimum charges.
- (e) To cancel rules and regulations providing for the classification of shipments in accordance with the provisions of the Western Classification No. 72, Cal. P.U.C. - W.C. No. 5 of R. C. Fife, agent of the Pacific Freight Tariff Bureau Ex-

ception Sheet No. 1-R Cal. P.U.C. No. 133 of J. R. Haynes, agent, and of the supplements and reissues of such publication.

(f) To depart from the provisions of General Orders Nos. 79 and 80, requiring the designation by symbols of fare and rate advances and reductions.

(g) To deviate from the minimum rates established in cases Nos. 4246 and 4808, and to accomplish said purpose applicant's name shall be considered as appearing in paragraph "c" of Finding No. 14 of Commission Decision No. 31606.

(4) That said Decision No. 44212, as amended, be, and it hereby is, further amended by adding to the first ordering paragraph the following subparagraphs (d) and (e) as follows:

"(d) in an 'on-call' service between Julian on the one hand and Cuyamaca on the other hand and intermediate points; and

"(e) in an 'on-call' service between Julian and Pine Hills Lodge on the other hand and intermediate points."

(5) That the certificate of public convenience and necessity granted to applicant by said Decision No. 44212, as herein and heretofore amended, shall be, and it hereby is, made subject to the following additional restrictions:

(a) No baggage or express shall be transported except upon applicant's passenger-carrying vehicles.

(b) No express shall be transported between San Diego and Ramona and intermediate points.

(6) That the authority herein granted to increase applicant's rates, fares, and charges, shall be void unless rates, charges, rules and regulations published pursuant to this authority are filed and made effective within ninety (90) days after the effective date hereof.

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

Dated at San Francisco, California, this 15th day of May, 1951.

R. J. [Signature]
Justus J. Casanova
Harold J. Kuhl
John E. [Signature]

COMMISSIONERS