

ORIGINAL

Decision No. 46352

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of)
JEROME LOFGREN doing business as)
CHICO-PARADISE-STIRLING CITY STAGE) Application No. 32683
LINE for an order redesigning its)
certificated authority.)

O P I N I O N

In this application Jerome Lofgren requests the Commission to issue an order redesigning his certificate of public convenience and necessity between Chico and Stirling City and intermediate points. Applicant's local passenger stage service within and between Chico and adjacent areas is not involved in this proceeding.

Applicant states that he is conducting service between Chico and Stirling City and intermediate points under authority of a certificate created by Decision No. 5704, issued August 26, 1918, in Application No. 4018. This certificate was issued pursuant to the provisions of the Auto Stage and Truck Transportation Act (1) (Statutes 1917, Ch. 213, as amended). Said certificate was acquired by applicant pursuant to the authority of the Commission's Decision No. 44730, dated August 29, 1950, in Application No. 31637.

It is stated that applicant is informed and believes and on such information states that ever since the aforesaid right was created the owners thereof engaged in the transportation of passengers, their baggage and express, in vehicles in which passengers were

(1) The certificate granted by Decision No. 5704 was for the following described operation:

"THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Carlton H. Eckles and E. K. Elsworth, partners in business, of an automobile stage line as a common carrier of passengers, baggage and express between Chico and Stirling City and intermediate points; . . ."

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also transported. They also engaged in the transportation of general freight in vehicles which were not passenger carrying vehicles but were devoted entirely to the transportation of property. The service which applicant presently conducts under said certificate is identical with that just described.

The service for the transportation of property pursuant to said certificate has been continuously conducted under a tariff on file with the Commission which named and now names rates for the transportation of general commodities.

X In further justification for applicant's request for a new certificate it is stated that since the issuance of the certificate by said Decision No. 5704, numerous changes have been made in the statutes applicable to the kind of service being performed.

It is stated that these statutory changes have caused the description of service in the outstanding certificate to become obsolete. Applicant when transporting passengers, baggage and express in the same vehicle is operating as a (passenger stage corporation) as defined in Section 226 of the Public Utilities Code and when transporting freight in vehicles which do not carry passengers is operating as a "highway common carrier" as defined in Section 213 of that code. Applicant asserts that the present description of his authority as set out in the certificate issued in 1918 does not correspond with the present existing law and requests that said certificate be re-defined so as to set forth clearly in statutory language his authority to operate between the points specified in the 1918 certificate (a) as a passenger stage corporation and (b) as a highway common carrier.

Southern Pacific Company and its subsidiary Pacific Motor Trucking Company which serve portions of the area involved have

informed the Commission that they do not desire to protest the granting of the new certificate as requested. The Commission has considered this application and is of the opinion and finds that public convenience and necessity require the issuance of a new certificate as sought which will be granted. No public hearing is necessary.

O R D E R

An application therefor having been filed and fully considered by the Commission and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Jerome Lofgren authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers, baggage and shipments of express, weighing not in excess of 100 pounds each on passenger-carrying vehicles only, and the establishment and operation of service as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities between Chico and Stirling City and intermediate points via Doon, Lovelock, De Sabla, Magalia and Paradise.

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

- (a) File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days after the effective date hereof.

- (b) Within sixty (60) days after the effective date hereof, and on not less than five (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. 79, 80, Part 19 of General Order No. 98 and Part IV of General Order No. 93-A, by filing in triplicate, and concurrently making effective, appropriate tariffs and timetables.

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

X Dated at San Francisco, California, this 30th day of October, 1951.

R. Z. [Signature]
President
Justice J. [Signature]
Harold P. [Signature]
[Signature]
[Signature]
Commissioners