

ORIGINAL

Decision No. 46972

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DELTA LINES, INC., a corporation, for)
a certificate of public convenience) Application No. 33186
and necessity to extend highway common)
carrier operations.)

O P I N I O N

By this application Delta Lines, Inc., a California corporation, seeks authority under Section 1063 of the Public Utilities Code to extend its highway common carrier service over and along the unnumbered highway from Ione to Buena Vista serving all points and places within three miles of said Buena Vista. Applicant also requests authority to serve Buena Vista (a) via State Highway 88 between Stockton and Ione and via the aforesaid unnumbered highway between Ione and Buena Vista, and (b) via unnumbered highway extending westerly from Buena Vista to State Highway 88, thence in either direction via said State Highway between Ione and Stockton. Applicant, however, does not propose to serve any points intermediate to Ione and Stockton on State Highway 88. Applicant proposes to consolidate this operation with its presently certificated service. (1)

As justification for the requested authority the application alleges that "public convenience and necessity require the proposed service because of the substantial movement of freight to and from Buena Vista, particularly in connection with a manufacturing plant of the American Lignite Company located approximately a mile from Buena Vista proper. There is no common carrier service now available

(1) Decision No. 38974, dated May 14, 1946, in Application No. 27349; Decision No. 38896, dated April 23, 1946; Decision No. 42658, dated March 29, 1949, in Application No. 29983; Decision No. 44344, dated June 20, 1950, in Application No. 30733 and Decision No. 46075, dated August 14, 1951, in Applications Nos. 31476 and 31497.

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with respect to this traffic. Such service is required by the shippers and receivers of the freight, and this application is being filed in response to demands made upon applicant to provide the services herein proposed."

Applicant plans to operate a daily overnight service, Monday through Friday, holidays excepted between all points on its lines and Buena Vista. The rates, charges, rules and regulations which applicant proposes to apply are alleged to be the same as those now maintained by applicant and published in its tariff which are claimed to be substantially the same as those prescribed by the Commission in Highway Carriers' Tariff No. 2. This service will be performed with applicant's presently owned equipment. Applicant appears to be adequately financed and able to carry on this new operation.

The proposal appears to be required by public convenience and necessity and will be granted. A public hearing is not necessary.

O R D E R

An application therefor having been filed, the Commission being fully informed therein and it being hereby found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Delta Lines, Inc., a California corporation, authorizing 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 property between Ione and Buena Vista and intermediate points and all points and places within three miles of said Buena Vista and for the transportation of freight

between Stockton and Buena Vista serving intermediate points along the unnumbered highway between Buena Vista and State Highway 88, as an extension and enlargement of and to be consolidated with applicant's other operative rights.

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

- a. Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- 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 file in triplicate and concurrently make effective, appropriate tariffs and timetables.
- 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 streets and highways:

Between Stockton and Ione along State Highway 88 and between Ione and Buena Vista and State Highway 88 along the unnumbered highway which passes through Buena Vista.

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

Dated at San Francisco, California, this 2th day of April, 1952.

[Signature]
 PRESIDENT
[Signature]
[Signature]
[Signature]
 COMMISSIONERS