

**ORIGINAL**

Decision No. 48894

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
PACIFIC MOTOR TRUCKING COMPANY for )  
amendment of Certificate of Public )  
Convenience and Necessity authorizing ) Application No. 34306  
the transportation of property by )  
motor truck between points in Marin )  
and Sonoma Counties, California. )

OPINION AND ORDER

Pacific Motor Trucking Company holds a highway common carrier certificate (Decision No. 28290, dated October 21, 1935, Application No. 19996) authorizing the transportation of property between numerous points in Marin and Sonoma Counties over routes specified in that decision. The certificate created by said Decision No. 28290 provides, among other things, as follows:

"... with right to pick up or deliver to points not exceeding ten miles on each side of any highway traversed; ..."

In this proceeding applicant requests that that provision be amended to read as follows:

"Applicant is authorized to serve all off-route points within ten miles of any highway traversed."

Applicant states that it is its understanding and belief that it was the Commission's intention when issuing said Decision No. 28290 to permit the rendition of full and complete highway common carrier service at all points within said lateral area. Applicant asserts that ever since the granting of the certificate by said Decision No. 28290 it has construed the authority to pick up or deliver shipments within 10 miles of the highways traversed as permitting the linking together of the operative right created by that decision with other connecting operative rights held by applicant to and from points within 10 miles of said highway, treating such points as common points for that purpose.

Applicant asserts that it has been informed that there may presently be some question as to the accuracy of its interpretation of the lateral authority granted by said Decision No. 28290.

The question here revolves around the use of words and intent. After fully considering applicant's request, it is our opinion and we find that it was the intention to issue full and complete operative authority to the grantee in Decision No. 28290 to serve all points along the routes involved and within the lateral extension from those routes as authorized, subject, of course, to any existing limitations. In order to clarify the meaning of the language used as above cited, an order will be issued amending that language as requested by applicant. No protest to the application has been received and a public hearing appears unnecessary.

O R D E R

An application therefor having been filed and it being found that public convenience and necessity so require,

IT IS ORDERED:

(1) That the language as set forth in sheet 5 in Decision No. 28290 in Application No. 19996 reading as follows:

"... with right to pick up or deliver to points not exceeding ten miles on each side of any highway traversed; ..."

is hereby amended to read as follows:

"... with the right to serve all off-route points within ten miles of any highway traversed; ..."

(2) Said Decision No. 28290 in all other respects shall remain in full force and effect.

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

Dated at San Francisco, California, this 28th day of July, 1953.

A. J. Davidson  
PRESIDENT  
Justus J. Caswell  
Harold A. Hill  
Lawrence P. Potter

COMMISSIONERS