

ORIGINAL

Decision No. 50217

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

MEDDOCK TRUCK LINE, a California cor-)
poration, for authority to issue shares :
of its common capital stock pursuant to)
Sections 816-830 of the California :
Public Utilities Code.)
-----)

Application
No. 35501

O P I N I O N

This is an application for an order of the Commission authorizing Meddock Truck Line to issue \$24,000 par value of common stock.

Applicant, according to its verified application, was organized under the laws of California on or about October 23, 1953, for the purpose of acquiring and operating a highway common carrier business for the transportation of general commodities, with certain exceptions, between various points and places in Los Angeles County, California, and various points and places in northern Arizona. The authority requested in this application presents a question of jurisdiction. The question presented is: Does jurisdiction to entertain this application lie with this Commission or does it reside in the Commissioner of Corporations of this state? While argument to the contrary, logically, might be made, we are of the opinion that the better view is to hold, as we do so hold, that the Commissioner of Corporations is the proper authority to entertain said request because the operation in which this applicant will engage would not constitute it a public utility within the definition prescribed by the Public Utilities Code. The operation to be engaged in, according to the application, is transportation service in the carriage of property

between points in California and points in Arizona. No transportation service will be furnished between points in California, either in interstate or intrastate commerce. Were any of such service (either interstate or intrastate) between points in California, we would be constrained to hold differently. (Section 202, Public Utilities Code; Rice v. Santa Fe Elevator Corporation, 331 U.S. 218, 236-237, 91 L. ed. 1447, 1462-1463.)

For the foregoing reasons, said application will be dismissed for want of jurisdiction.


O R D E R

The Commission having considered the above entitled application and being of the opinion that a public hearing is not necessary and that the application should be dismissed for want of jurisdiction,

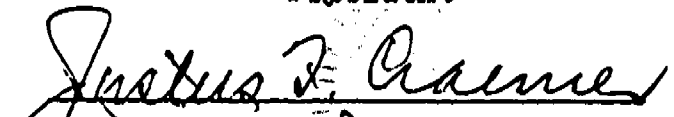

IT IS HEREBY ORDERED that Application No. 35501 of Meddock Truck Line for authorization to issue shares of stock be, and it hereby is, dismissed for want of jurisdiction.

This order will become effective upon the date hereof.

Dated at San Francisco, California, this 29 day of June, 1954.



President

Commissioners