

Decision No. 51803**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 C. W. THORNHILL and F.H. BARHAM )  
 dba T&B FAST FREIGHT, for a certifi- )  
 cate of public convenience and neces- )  
 sity as a highway common carrier ) Application No. 36300  
 between San Francisco and East Bay )  
 Points, on the one hand, and )  
 Sacramento, on the other hand. )

O P I N I O N

C. W. Thornhill and F. H. Barham seek a certificate of public convenience and necessity authorizing them to transport general commodities, with certain exceptions, between San Francisco and points between and including Richmond and Hayward, on the one hand, and Sacramento, on the other hand.

This application appears to have been filed as a result of the issuance by the Commission of Decision No. 50448, dated August 17, 1954, in Case No. 5478.

Applicants were issued a permit to conduct operations as a highway contract carrier on January 13, 1954. Applicants allege, "The operation presently conducted by applicants was commenced by K. A Miller, dba Miller Freight Lines, in the year 1952. Miller Freight Lines also conducted other operations but on January 1, 1954, transferred to applicants that portion thereof which provided service between the Bay Area and Sacramento on general commodities." This Commission had not and has not authorized the above-referred-to transfer to applicants. The radial highway common carrier and highway contract carrier permits hitherto issued K. A. Miller are still in full force and effect and possessed by him. It appears, therefore, that applicants do not fall within

the class described in Decision No. 50448 as "Highway carriers who, prior to September 10, 1953, possessed permits issued by this Commission pursuant to which they actively engaged in the transportation of property and continue so to do, and who have cause to believe that their operations may bring them within the ruling of the Supreme Court of California announced by the Nolan case, supra, should file applications for certificates of public convenience and necessity not later than 90 days after the effective date of this decision."

The application will be denied.

O R D E R

The Commission has considered the application filed herein,  
Now Therefore

IT IS ORDERED that Application No. 36300 is denied.

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

Dated at San Francisco, California, this 9<sup>th</sup> day  
of AUGUST, 1955.

[Signature] President  
[Signature]  
[Signature]  
[Signature]  
[Signature] Commissioners