

**ORIGINAL**Decision No. 52054

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of )

ELI JACKSON DIVINE )  
(ANDY'S TRANSPORTATION COMPANY) )for certificate of public convenience )  
and necessity, in accordance with )  
provisions of Section 1063 of the )  
Public Utilities Code of the State )  
of California. )

Application No. 36179

O P I N I O N

Eli Jackson Divine is engaged in the transportation of property in California pursuant to a permit issued by this Commission.

He seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities, with certain exceptions, generally between Sacramento and Chico and Redding and intermediate points.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, it appears that as of the date of the filing of the application applicant was conducting his operations within the scope of the permitted authority heretofore issued by this Commission. Such operations not having constituted highway common carriage, the sought certificate of public convenience and necessity is not a requisite for his continuance. The application will therefore be denied.

ORDER

The Commission has considered the application and representations filed herein, Now Therefore

IT IS ORDERED that Application No. 36179 is denied.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of October, 1955.

(John E. ...)  
President

James S. ...

Paul ...

Montgomery ...

P. Hardy  
Commissioners