

ORIGINAL

Decision No. 54460

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOHN A. HILDERBRAND for a certificate)
of public convenience and necessity)
to operate passenger and express serv-)
ice between French Gulch, California,)
and Redding, California.)

Application No. 37805
(As Amended)

O P I N I O N

John A. Hilderbrand presently conducts a passenger stage service between Trinity Center and French Gulch and intermediate points pursuant to authority acquired under Decision No. 51472 in Application No. 36871. Passengers, baggage and shipments of express weighing 500 pounds or less are transported.

In this proceeding applicant Hilderbrand requests a certificate of public convenience and necessity to extend his present service from French Gulch to Redding including the intermediate points. However, he proposes to reduce the weight of express shipments to 150 pounds or less and seeks a new certificate to encompass his present and proposed operation. No local service is planned between French Gulch and Redding to avoid competition with a carrier operating between Eureka and Redding via French Gulch but serving the latter point by diversion from its main route on U. S. Highway 299.

Applicant presently holds an exemption from observing the minimum rates prescribed by Minimum Rate Tariff No. 2 and requests that Decision No. 31606, as amended, in Cases Nos. 4246, 4808 and 5432 and Decision No. 52199 in Case No. 5432 be further amended to provide that exemption in connection with express shipments under his present certificate and the proposed extension be

authorized to apply to shipments of 150 pounds or less being transported on passenger-carrying vehicles.

As justification therefor, it is asserted by applicant that U. S. mail is transported by applicant daily except Sunday between French Gulch and Trinity Center and intermediate points in the same vehicle with passengers and express. The principal income is from the transportation of U. S. mail under contract and the earnings from passengers and express are necessary to maintain the service. Most of the passenger and express traffic originates or is destined to Redding or points beyond. The only connecting public transportation service between Redding and French Gulch is Redding-Eureka Stages whose stages arrive at French Gulch about 3½ hours after applicant's northbound stage (operating on a mail schedule) has departed for Trinity Center. Applicant's southbound stage arrives at French Gulch at 2:45 p.m. Any of his passengers destined to Redding or points beyond must arrange by long-distance telephone for off-line on-call stops of the eastbound Eureka-Redding Stage leaving French Gulch at 4:00 p.m. Because of this inconvenient situation passengers often seek more costly private means of transportation. In some instances northbound passengers are required to spend the night at French Gulch. Very few passengers move locally between Redding and French Gulch whose origin or destination is the latter point.

With respect to the transportation of shipments of express weighing 150 pounds or less, applicant states that it is desirable that the weight limitations and the exemptions requested shall apply to shipments of not to exceed a uniform maximum weight. The present weight limit for express shipments between French Gulch and points north thereof is 500 pounds, while the exemption granted by Decision

No. 52199 is 100 pounds. The difference between the 500-pound weight which carrier is authorized to handle and the 100-pound weight he may carry without observing rates, rules and regulations of Minimum Rate Tariff No. 2 results in increased costs due to the necessity for publication of one set of rates and rules for exempted shipments and another set of rates and rules for shipments in excess of 100 pounds but not exceeding 500 pounds. The justification for exemption in connection with express shipments is the fact that the light volume of traffic in this sparsely populated region produces a small revenue, while the expense of publishing tariff provisions and rates in full compliance with the provisions of Minimum Rate Tariff No. 2 and the participation in Western Classification and the Exception Sheet would amount to several hundreds of dollars. The traffic does not justify such expense. On the other hand there is a definite public necessity for the combined passenger, baggage and express service. The revenue from the combined operation is necessary to produce earnings that justify operation of the stage line.

Applicant also alleges the present 100-pound limitation would prevent the acceptance of express shipments of personal effects or other articles in trunks, boxes or other single packages or pieces weighing in excess of 100 pounds, or acceptance of shipments containing two or more pieces weighing in excess of 100 pounds. There is a need in the territory involved for transportation of shipments of 150 pounds.

After full consideration, the Commission finds that public convenience and necessity require the establishment and operation of the service proposed by applicant. A new certificate will be granted to applicant which will include authority to conduct the new service as proposed as well as authority to conduct his present operation

with a weight revision on express. This certificate will supersede all of applicant's individually-owned operative rights.

There is no protest to the application and a public hearing does not appear to be required.

O R D E R

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

IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to John A. Hilderbrand authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers, baggage and shipments of express weighing 150 pounds or less on passenger-carrying vehicles only, between the points and over the routes as set forth in Appendix A which is attached hereto and by this reference made a part hereof, and which is subject to the limitations, restrictions, exemptions and other provisions set forth in said Appendix A.

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

- a. Within sixty days after the effective date hereof, applicant shall file a written acceptance of the certificate hereby granted.

- b. Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and timetables satisfactory to the Commission.

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

Dated at Los Angeles, California, this 29th day of JANUARY, 1957.

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

- (1) The certificate granted by the decision noted in the margin hereof supersedes all operative rights acquired by John A. Hilderbrand pursuant to Decision No. 51472 dated May 16, 1955, in Application No. 36871 which is hereby revoked.
- (2) John A. Hilderbrand, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers, baggage and shipments of express weighing 150 pounds or less on passenger-carrying vehicles only. Such transportation shall be between Trinity Center and Redding and intermediate points over an unnumbered county road between Trinity Center and French Gulch and the junction of said road with U. S. Highway 299, thence along the latter road to Redding provided that no service may be provided to, from or between any points intermediate to French Gulch and Redding.
- (3) Applicant is hereby exempted from observing the rates, rules and regulations provided in Minimum Rate Tariff No. 2 for shipments of express weighing 150 pounds or less, and Decision No. 52199 in Case No. 5432, as amended, is hereby further amended by adding the name, John A. Hilderbrand, an individual, to the list of names of carriers in Appendix B of said Decision No. 52199.

End of Appendix A

Issued by California Public Utilities Commission.

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