А. 39785-АК

Decision No. 58994

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BLANKENSHIP MOTORS, INC., a corporation, for modification of a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of property.

Application No. 39785

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, Blankenship Motors, Inc., acquired a certificate which is described in part by reference to a territorial description contained in a minimum rate tariff. As the certificate is worded, some question may arise whether any amendment to the territorial description of the minimum rate tariff would be incorporated automatically into this certificate.

It is apparent that any changes made by the Commission in the territorial descriptions set forth in the minimum rate tariffs are predicated on minimum rate considerations and not public convenience and necessity. On the other hand, any changes in a highway common carrier's certificate of public convenience and necessity must be based solely on public convenience and necessity. It is the Commission's conclusion that the territory referred to in the certificate is the corresponding territory as described in the minimum rate tariff at the time the certificate was issued. Any other interpretation would result in a certificate that could be expanded or contracted without any consideration of public convenience and necessity.

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The following order will clarify the certificate by stating the territorial description specifically by metes and bounds.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted Blankenship Motors, Inc., by Decision No. 57834, dated January 6, 1959, in Application No. 39785, is amended by substituting Second Revised Page 3 in place and stead of First Revised Page 3 in Appendix "A" of said decision.

(2) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Blankenship Motors, Inc., shall amend its tariffs on file with the Commission to reflect the clarification of the certificate here involved.

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

Dated at San Francisco, California, this <u>16th</u> day of September, 1959.



APPENDIX A

BLANKENSHIP MOTORS, INC.

Second Revised Page 3 Cancels First Revised Page 3

The authority granted in paragraph (2) above is subject

to the following conditions:

Applicant shall not render service:

- (a) Between points north of Los Angeles on and along U. S. Highway 101 and San Francisco, on the one hand, and Sacramento, Lodi and Stockton and intermediate points, on the other hand.
- (b) Between San Francisco Territory, as described in Appendix B to Decision No. 57834, the one hand, and Sacramento, Lodi and Stockton and intermediate points, on the other hand.
- (c) Between Sacramento, Stockton and intermediate points.
- (d) Between points in said San Francisco Territory and between such points, on the one hand, and Soledad, and intermediate points, on the other hand.

(3) Canned goods between Oakland and Alameda, on the one hand, and Los Angelus Basin Territory as described in Appendix D to Decision No. 57834, on the other hand.

NOTE: The term "canned goods" as used herein means any commodity enumerated in either of the following:

- (a) Item 610-0 series, Minimum Rate Tariff No. 2, or
- (b) Item 210-J, of Exception Sheet 1-S to Western Classification No. 76 of Pacific Southcoast Freight Buroau, Agont.

(4) Applicant may use any street, road or highway or combina-

tion of such thoroughfares whenever necessary or convenient to carry out the authority herein granted.

Issued by California Public Utilities Commission. Decision No. <u>58994</u>, Application No. 39785.