

ORIGINAL

Decision No. 61690

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WALTER E. MENDENHALL and WILBUR N.)
MENDENHALL, partners doing business)
as MENDENHALL TRANSPORTATION CO.,)
for removal of certain restrictions)
from passenger stage certificate and)
for an in-lieu certificate of public)
convenience and necessity to operate)
as a highway common carrier and a)
passenger stage corporation.)

Application No. 42647

OPINION AND ORDER

Walter E. Mendenhall and Wilbur N. Mendenhall have filed this application seeking removal of the following restrictions from their certificate of public convenience and necessity to operate as a passenger stage corporation:

"No passengers, baggage or express shall be transferred to or from any point on U. S. Highway 299 from the junction of said Highway with U. S. Highway 101 to and including Willow Creek, except on passenger vehicles originating at or destined to Weitchpec or points beyond."

In this application applicants also request pursuant to the directions of this Commission in Decision No. 60176, dated May 24, 1960, in Application No. 41618, that the Commission consolidate all of their operating rights as a highway common carrier and as a passenger stage corporation in a certificate of public convenience and necessity.

Applicants have pointed out that at the present time the language of their certificates authorizing operation as a passenger stage corporation is confusing. The passenger stage certificate which was issued to applicants in Decision No. 51414 in Applications Nos. 36795 and 36796 authorizes the transportation of passengers, baggage and packages of express weighing 100 pounds

or less between points on U. S. Highway 101 located between Scotia and Trinidad, inclusive of both, on the one hand, and Blue Lake and Korbel and intermediate points on U. S. Highway 299, on the other hand. In conflict therewith, the passenger stage certificate which applicants acquired from Elton B. Mattoon, doing business as Humboldt Transportation Co., pursuant to Decision No. 52578 in Application No. 37661, in authorizing the transportation of passengers, baggage and packages of express weighing 100 pounds each or less between the junction of U. S. Highways 101 and 299 and Forks of Salmon via Willow Creek restricts such operations to or from any point on U. S. Highway 299 from its junction with U. S. Highway 101 to and including Willow Creek to passenger vehicles originating at or destined to Weitchpec or points beyond. The Mattoon certificate also prohibits the transportation of express to or from any point on U.S. Highway 299 from its junction with U. S. Highway 101 to and including Blue Lake, Korbel and intermediate points. Applicants state that since from a practical standpoint the restrictions no longer serve any useful purpose, they should be eliminated in the restatement of applicants' operating rights in the consolidated certificate.

The Commission has examined the allegations and evidence contained in the application herein and finds and concludes that public convenience and necessity require that the restrictions heretofore mentioned be removed, and further finds and concludes that restated certificates of public convenience and necessity as set forth in the order herein and Appendix A and Appendix B attached hereto should be granted to Walter E. Mendenhall and Wilbur N. Mendenhall. A public hearing is not necessary.

Walter E. Mendenhall and Wilbur N. Mendenhall are hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that

originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

An application having been filed and based upon the evidence therein contained,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Walter E. Mendenhall and Wilbur N. Mendenhall authorizing the transportation of property as a highway common carrier, as defined by Section 213 of the Public Utilities Code, between the points and over the routes as set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate granted in Paragraph 1 of this order applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate granted in Paragraph 1 of this order. By accepting said certificate of public convenience and necessity, applicants are placed on notice that they will be required, among other things, to file annual reports of their operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance requirements of the Commission's General Order No. 100-A. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Orders Nos. 99 and 100-A, may result in a cancellation of the operating authority granted by this decision.

- (b) Within one hundred and twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicants shall establish the service authorized in Paragraph 1 of this order and file in triplicate, and concurrently make effective, tariffs satisfactory to this Commission.

3 The certificate of public convenience and necessity granted in Paragraph 1 of this order is a restatement of and supercedes all existing certificates of public convenience and necessity to operate as a highway common carrier heretofore granted to, or acquired by, Walter E. Mendenhall and Wilbur N. Mendenhall, including without limitation such certificates issued or acquired pursuant to the following decisions of this Commission: Decision No. 51414, dated May 3, 1955, in Applications Nos. 36795 and 36796; Decision No. 52578, dated February 7, 1956, in Application No. 37661; and Decision No. 60176, dated May 24, 1960 in Application No. 41618. Said certificates are hereby canceled and revoked effective concurrently with the effective date of the tariff filing required by Paragraph 2(b) hereof.

4. A certificate of public convenience and necessity is hereby granted Walter E. Mendenhall and Wilbur N. Mendenhall authorizing the transportation of passengers, baggage, and packages of express weighing 100 pounds or less on passenger-carrying vehicles only, as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, between the points and over the routes as set forth in Appendix B attached hereto and made a part hereof.

5. In providing service pursuant to the certificate granted in Paragraph 4 of this order applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate granted in Paragraph 4 of this order. By accepting said certificate of public convenience and necessity, applicants are placed on notice that they will be required, among other things, to file annual reports of their operations and observe the safety rules and other regulations of the Commission's General Order No. 98 and insurance requirements of the Commission's General Order No. 101-A. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Orders Nos. 98 and 101-A, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred and twenty days after the effective date of this decision, and on not less than ten days' notice to the Commission and to the public, applicants shall establish the service authorized in Paragraph 4 of this order and file in triplicate and concurrently make effective, tariffs and timetables satisfactory to the Commission.

6. The certificate of public convenience and necessity granted in Paragraph 4 of this order is a restatement of and supersedes all existing certificates of public convenience and necessity to operate as a passenger stage corporation heretofore granted to, or acquired by, Walter E. Mendenhall and Wilbur N. Mendenhall, including without limitation such certificates issued or acquired pursuant to the following decisions of this Commission: Decision No. 51414, dated May 3, 1955, in Applications Nos. 36795 and 36796; Decision No. 52578 dated February 7, 1956, in Application No. 37661, and Decision No. 52609, dated February 7, 1956, in Application No. 37500. Said certificates are hereby canceled

and revoked effective concurrently with the effective date of the tariff filing required by Paragraph 5(b) hereof.

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

Dated at San Francisco, California, this 21st day of MARCH, 1961.

Arthur W. Page
President
Arthur W. Page
E. Lynn Fox
George H. Grover
Frederick H. Haliloff
Commissioners

APPENDIX A

WALTER E. MENDENHALL
and
WILBUR N. MENDENHALL

Original Page 1

Walter E. Mendenhall and Wilbur N. Mendenhall, by the certificate of public convenience and necessity granted in the decision noted in the margin is authorized to transport general commodities between Scotia, Trinidad, Burnt Ranch, Forks of Salmon, Ruth, Fort Seward, Alderpoint, Zenia and intermediate points and all points within five air miles of each of the highways hereinafter described. This transportation service shall be conducted over and along the following routes:

- (1) U. S. Highway 101 from Scotia to Trinidad.
- (2) U. S. Highway 299 from junction of U. S. Highways 101 and 299 to Burnt Ranch.
- (3) California State Route 96 from Willow Creek to Somesbar and county road from Somesbar to Forks of Salmon.
- (4) County road from Fortuna to Hydesville via Rohnerville, thence California State Route 36 to junction with county road near Mad River, thence county road to Ruth.
- (5) County roads from junction of California State Route 36 and county road near Bridgeville to Fort Seward, Alderpoint and Zenia.
- (6) Connecting highways from each highway hereinabove described to all points within five air miles of such highway.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 61690, Application No. 42647.

APPENDIX B

WALTER E. MENDENHALL
and
WILBUR N. MENDENHALL

Original Page 1

Certificate
of
Public Convenience and Necessity

Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto.

All changes and amendments as authorized by the Public Utilities Commission of the State of California will be made as revised pages or added original pages.

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Decision No. 61690, Application No. 42647.

SECTION 1. General Authorization, Restrictions, Limitations
and Specifications.

Walter E. Mendenhall and Wilbur N. Mendenhall, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers, baggage and packages of express weighing 100 pounds or less on passenger-carrying vehicles only between Scotia, Trinidad, Forks of Salmon, Ruth, Bayside, Sunny Brae, Arcata-Eureka Airport, Crannel, Korbelt and intermediate points, serving Redwood Acres Fair Grounds by diversion from Eureka upon demand of six or more passengers. This transportation service shall be conducted over and along the following routes:

- (1) U. S. Highway 101 from Scotia to Trinidad.
- (2) From Bayside Junction over Bayside Junction Road and the Old Eureka-Arcata Road via Bayside and Sunny Brae.
- (3) U. S. Highway 299 from junction of U. S. Highways 101 and 299 to Willow Creek, thence California State Route 96 to Somesbar and county road to Forks of Salmon.
- (4) County road from Fortuna to Hydesville via Rohnerville, thence California State Route 36 to junction with county road near Mad River, thence county road to Ruth.
- (5) County roads from U. S. Highway 101 to Arcata-Eureka Airport and Crannel.
- (6) County road from U. S. Highway 299 to Korbelt.

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Decision No. 51520, Application No. 42647.

APPENDIX B

WALTER E. MENDENHALL
and
WILBUR N. MENDENHALL

Original Page 3

SECTION 2. Sightseeing Authorizations, Restrictions,
Limitations and Specifications.

Walter E. Mendenhall and Wilbur N. Mendenhall by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers whose points of origin and destination are Eureka on continuous round-trip sightseeing service over and along the following routes:

- Tour 1. Beginning at Eureka, thence southerly over U. S. Highway 101 to Bull Creek Flat, via Scotia and Dyerville, returning to Eureka over the same route;
- Tour 2. Beginning at Eureka, thence northerly over U. S. Highway 101 to Prairie Creek Park, via Arcata, Trinidad and Orick, returning to Eureka over the same route;
- Tour 3. Beginning at Eureka, thence northerly over U. S. Highway 101 and county highways to Coast Guard Station, via Arcata and Samoa, returning to Eureka over the same route;
- Tour 4. Visiting various points of interest in and about the City of Eureka;

provided that any trip on Tour No. 1 or Tour No. 2 may be canceled, unless two or more passengers present themselves for transportation. Tour No. 3 or Tour No. 4 may be canceled, unless four or more passengers present themselves for transportation.

End of Appendix B

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