

ORIGINAL

Decision No. 68532

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RAYMOND E. POLSLEY,)
 sole owner, doing business as)
 Polsley Transportation Service,)
 for a certificate of public con-)
 venience and necessity allowing)
 the extension of existing highway)
 common carrier prescriptive oper-)
 ating rights and joint rate)
 participating agreements.)

Application No. 46498

ORDER GRANTING CERTIFICATE ON A TEMPORARY BASIS

By this application Raymond E. Polsley, doing business as Polsley Transportation Service, seeks an enlargement and extension of his highway common carrier rights. Applicant presently transports general commodities between Dos Rios and Covelo in Mendocino County interchanging traffic with North Western Pacific Railroad. He seeks to change the interchange point from Dos Rios to Willits, also in Mendocino County.

Although this matter is to be set for public hearing, applicant has requested, by letter dated January 20, 1965, that he be granted the requested authority on a temporary basis. The recent disastrous floods in northern California and particularly in Mendocino County have seriously disrupted all transportation facilities. The roads are now open between Willits and Covelo, however, there will be no railroad service to Dos Rios for an estimated six months due to the destruction of railroad bridges and other facilities. By the granting of the requested authorization applicant will be able to provide service through Willits. Due to the emergency nature of the present request the Commission finds that the certificate of

public convenience and necessity should be granted but only on a temporary basis pending determination of permanent authority on the merits after public hearing.

Raymond E. Polsley is 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

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Raymond E. Polsley, an individual, authorizing him to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes more particularly set forth in Appendix A attached hereto and made a part hereof.

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

- a. Within one day after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and

observe the safety rules of the California Highway Patrol, and the insurance requirements of the Commission's General Order No. 100-C. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with the provisions of General Order No. 100-C, may result in a cancellation of the operating authority granted by this decision.

- b. Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- c. The tariff filings shall be made effective not earlier than one day after the effective date of this order on not less than one day's notice to the Commission and to the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order is temporary to the extent that it may be canceled, modified or made permanent after public hearing has been held and the Commission has considered the merits of the application.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9th day of January, 1965.

Frederick B. Bilblosch
President

George E. Hoover

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioners

Raymond E. Polsley, an individual, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities with the following exceptions:

- a. Used household goods and personal effects not packed in accordance with the crated property requirements as set forth in paragraphs (a)(1) and (a)(2), Item 20 of Minimum Rate Tariff No. 4-B.
- b. Liquids, compressed gases, commodities in semi-plastic form nor commodities in suspension; liquids in bulk in tank trucks, tank trailers, or tank and semitrailers or a combination of such highway vehicles.
- c. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- d. Articles of extraordinary value.
- e. Automobiles, trucks or buses, new or used, finished or unfinished, viz.: passenger automobiles (including jeeps); ambulances; hearses; taxis; freight automobiles; automobile chassis; truck trailers; trucks and trailers combined; buses or bus chassis,

between Willits, on the one hand, and, on the other hand, Dos Rios and Covelo and intermediate points between Dos Rios and Covelo along the County road between said points.

Service to be restricted to the movement of traffic interlined with the Northwestern Pacific Railroad, Pacific Motor Trucking Company and Pacific Motor Transport and interchanged with said carriers at Willits, California.

Issued by California Public Utilities Commission.

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