

**ORIGINAL**

Decision No. 70312

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 McCLOUD RIVER TRUCKING COMPANY, a )  
 corporation, and McCLOUD RIVER )  
 RAILROAD COMPANY, a corporation, )  
 (1) for a certificate of public )  
 convenience and necessity authoriz- )  
 ing McCloud River Trucking Company )  
 to provide highway common carrier )  
 service over California Highway 89 )  
 and U. S. Highway 299 between )  
 McCloud, California, and Burney, )  
 California, and for authority to )  
 deviate 20 miles each side of the )  
 authorized route; (2) for authority )  
 for McCloud River Trucking Company )  
 to issue 4,000 shares of its )  
 authorized, but unissued common )  
 capital stock, par value \$5 per )  
 share, to McCloud River Railroad )  
 Company for \$20,000 cash; (3) for )  
 authority for McCloud River Rail- )  
 road Company to acquire 4,000 )  
 shares of the authorized, but )  
 unissued, common capital stock of )  
 McCloud River Trucking Company, a )  
 public utility. )

Application No. 44706

SUPPLEMENTAL OPINION AND ORDER

On November 9, 1962 McCloud River Trucking Company was issued a certificate to operate as a highway common carrier between McCloud and Burney over State Highway No. 89 and U.S. Highway No. 299 with intermediate and lateral rights (Decision No. 64539). This certificate was accepted on November 23, 1962.

Applicant, on February 1, 1963, filed a petition for supplementary findings and amendment of certificate of public convenience and necessity (Application No. 44706) requesting a finding that public convenience and necessity require applicant's operations in interstate and foreign commerce under Section 206(a)(6) of the

Interstate Commerce Act. The rights granted by Decision No. 64539 had vested. Application No. 44706 was dismissed on September 28, 1965 by Decision No. 69725.

Applicant now fears that this dismissal may cloud its rights under Decision No. 64539.

Section 1070 of the Public Utilities Code provides that a highway common carrier certificate may be revoked, altered or amended only upon notice and an opportunity to be heard. Notice had not been given nor an opportunity to be heard afforded to applicant.

To set matters at rest, however, the Commission will insert appropriate language in Decision No. 69725.

Therefore, IT IS ORDERED that Decision No. 69725 is amended by striking from the order therein the words "Application No. 44706" and adding in place and stead thereof the words "Petition for Supplementary Findings and Amendment of Certificate of Public Convenience and Necessity."

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

Dated at San Francisco, California, this 15<sup>th</sup> day of FEBRUARY, 1966.

Frederick B. Hallock  
President

Robert S. Mitchell

George F. Crover

August

Commissioners