

Decision No. 75353

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
DEVINE & SON TRUCKING CO., a California
corporation, for a certificate of public
convenience and necessity to extend
intrastate highway common carrier rights.

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) Application No. 50652
) (Filed October 29, 1968)
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O P I N I O N

Applicant, a highway common carrier of certain enumerated commodities, including lumber and forest products, and of commodities generally throughout a large area of Northern and Central California, requests an extension of its certificated authority so as to permit it to transport, in response to asserted increased public demand, lumber and forest products, intrastate, from, to and between points in Santa Clara, San Luis Obispo, Kings and Tulare Counties. Applicant also requests authority, with respect to the proposed extended service, to establish rates on less than statutory notice, and alleges that such rates will be on the same general level as those provided in the Commission's Minimum Rate Tariffs applicable to transportation of lumber and forest products. Applicant further asks that it be permitted to depart from constitutional and statutory long- and short-haul requirements if its published rates for the proposed service should involve such variations.

Applicant, which also operates as a radial highway common carrier (Permit No. 34-2567) and a highway contract carrier (Permit No. 34-2568), proposes to provide, with present equipment, an on-call service between points in the enlarged territory as an extension of its present common carrier service.

Applicant certifies that copies of the present application were forwarded to the California Trucking Association, Inc. and to all parties who communicated originally with the Commission in connection with a previous application that involved extension of applicant's certificated authority to transport lumber and forest products (Application No. 50357, amended). No protest to the instant application has been received.

The Commission, after consideration, finds that public convenience and necessity require the extension of applicant's highway common carrier certificate and service for the transportation of lumber and forest products, as requested by the application herein.

The application should be granted in accordance with the provisions of the ensuing order.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Devine & Son Trucking Co., a corporation, authorizing it to operate in intrastate commerce as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for transportation of lumber and forest products from, to and between points and places in the Counties of Santa Clara, San Luis Obispo, Kings and Tulare, as an extension and enlargement of applicant's existing highway common carrier authority.

2. Appendix A of Decision No. 59847, as heretofore amended, is further amended by incorporating therein Second Revised Page 12, attached hereto, in revision of First Revised Page 12.

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, 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-E.
- (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 five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.
- (e) Applicant, in establishing and maintaining the rates for the service authorized herein, is hereby permitted to depart from the provisions of Section 460 of the Public Utilities Code necessary to adjust long- and short-haul departures, and schedules containing the rates published under this authority shall make reference to this order.
- (f) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before

March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 25th day of FEBRUARY, 1969.

William J. ...
President

Augusta ...

David R. Morrison

(Signature)

(Signature)
Commissioners

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Appendix A
(Dec. 59347)

DEVINE & SON TRUCKING CO.
(a corporation)

Second Revised Page 12
Cancels
First Revised Page 12

- (15) State Highway 20 between Lakeport and Emigrant Gap, inclusive;
- (16) State Highway 49 between Satterly and Jackson, inclusive;
- (17) U. S. Highway 40 between San Francisco and the California-Nevada State Line, inclusive, and
- (18) U. S. Highway 50 between San Francisco and the California-Nevada State Line, inclusive.

Between all points and places located in the following counties:

Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Glenn, Butte, Lake, Colusa, Sutter, Yuba, Sierra, Sonoma, Napa, Yolo, Placer, Nevada, El Dorado, Marin, Solano, Sacramento, Contra Costa, San Joaquin, Amador, Alpine, Calaveras, Tuolumne, Mono, Mariposa, Alameda, San Mateo, Santa Cruz, Stanislaus, Monterey, San Benito, Merced, Fresno, Madera, San Francisco, Santa Barbara, Kern, Inyo, Santa Clara, San Luis Obispo, Kings and Tulare.

Through routes and rates may be established between all points and places specified in paragraph D of this appendix.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 75353, Application No. 50652.