

ORIGINAL

Decision No. ~~79094~~

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 E. W. Simmons, an individual, doing)
 business as FRESNO-GENERAL GRANT-)
 CEDAR GROVE FREIGHT LINES to sell)
 and transfer a certificate of public)
 convenience and necessity to operate)
 as a Highway Common Carrier of Pro-)
 perty, as defined in Section 213 of)
 the Public Utilities Code to FRESNO)
 BASS LAKE FREIGHT LINES, INC. (a)
 California corporation) also to re-)
 move restriction imposed by commis-)
 sion Decision 63089 restricting)
 transporting of commodities re-)
 quiring protection from heat.)

Application No. 52729
(Filed June 30, 1971)

O P I N I O N

E. W. Simmons, doing business as Fresno-General Grant-Cedar Grove Freight Lines, requests authority to sell and transfer, and Fresno Bass Lake Freight Lines, Inc., requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier. It is also requested that the certificate be amended by deleting therefrom a restriction against the transportation of commodities requiring protection from heat by use of ice or by mechanical refrigeration.

The certificate was granted by Decision No. 55554, dated September 10, 1957, as amended by Decision No. 63089, dated January 9, 1962, Decision No. 74082, dated May 7, 1968, Decision No. 74541, dated August 13, 1968, in Application No. 39280 and authorizes the transportation of general commodities, with certain exceptions, between Fresno and General Grant National Park, serving the intermediate points of Centerville, Minkler, Sears Corner, Squaw Valley, Dunlap, Miramonte, Pinehurst, and Sequoia Lake;

also between Wilsonia and Hume Lake, as well as the intermediate points between Hume Lake and Cedar Grove. The agreed cash consideration is \$90.

Fresno Bass Lake Freight Lines, Inc., is presently operating as a highway common carrier between various points in the Fresno, Wawona and Bass Lake areas. The certificate was granted by Decision No. 56590, dated April 22, 1958, in Application No. 39897, and acquired pursuant to Decision No. 76143, dated September 10, 1969, in Application No. 51276. It owns and operates five units of equipment and as of December 31, 1970, indicated a net worth in the amount of \$16,498.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and that public convenience and necessity require the removal of the restriction against the transportation of commodities requiring ice or mechanical refrigeration. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificates presently held by E. W. Simmons and Fresno Bass Lake Freight Lines, Inc., and the issuance of a restated certificate in appendix form to Fresno Bass Lake Freight Lines, Inc.

Fresno Bass Lake Freight Lines, Inc., 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. On or before May 1, 1972, Fresno-General Grant-Cedar Grove Freight Lines may sell and transfer, and Fresno Bass Lake Freight Lines, Inc. may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, purchaser shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. 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 consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Fresno Bass Lake Freight Lines, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 55554 as amended by Decisions Nos. 63089, 74082, 74541 in Application No. 39280 and Decision No. 56590, dated April 22, 1958, in Application No. 39897, and acquired pursuant to Decision No. 76143, dated September 10, 1969, in Application No. 51276, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate herein granted. Purchaser 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-F.

8. Purchaser 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.

9. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of

A. 52729 ms

collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

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

Dated at San Francisco, California, this 31st day of AUGUST, 1971.

[Signature]
Chairman
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners

Fresno Bass Lake Freight Lines, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

1. Between Fresno and Wawona via State Highway No. 41; and also via Friant, Oneals, North Fork and Bass Lake; and all intermediate points.
2. Between Bass Lake and Wishon Powerhouse on the San Joaquin River, and all intermediate points. (Subject to Note 1)
3. Service is authorized by diversion to and from South Fork and Indian Mission.
4. Between Bass Lake and Clover Meadows and intermediate points. (Subject to Note 1)
5. Between Auberry Road and Friant and intermediate points. (Subject to Note 1)
6. The main roads connecting the aforementioned routes and points located thereon.
7. Between North Fork and Beasore Meadow, via South Fork, Hogue Ranch, Soda Springs, Long Meadow. (Subject to Note 1)
8. Between Long Meadow and Fullers Meadow, via Arnold Meadow, Forked Meadow, Logan Meadow and Mammoth Pool. (Subject to Note 1)
9. Between Soda Springs and Forked Meadow, via Placer Guard Station. (Subject to Note 1)
10. Between Big Creek Power House No. 4 and Italian Bar via Dam No. 7. (Subject to Note 1)
11. All intermediate and off-route points of Castle Peak and Lake Redinger. (Subject to Note 1)
12. Traversing all unnumbered county roads between the above-named points. (Subject to Note 1)

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Decision No. 79094, Application No. 52729.

13. Between Fresno and General Grant National Park, serving, as intermediate points, Centerville, Minkler, Sears Corner, Squaw Valley, Dunlap, Miramonte, Pinehurst and Sequoia Lake over and along the following routes (Subject to Note 2):

Fresno (via Ventura Avenue) over State Highway No. 41 to Centerville; east on State Highway No. 41 to Minkler; east on State Highway Route No. 41 (formerly Squaw Valley Road) to Sears Corner; east on State Highway No. 41 to Squaw Valley; Squaw Valley to Dunlap over Dunlap Highway, Dunlap to Miramonte over Dunlap Highway and Sand Creek Road; Miramonte to Pinehurst over Sand Creek Road; Pinehurst to General Grant National Park via Sequoia Lake and return over Sand Creek Road.

14. Wilsonia and Hume Lake and intermediate points on a tri-weekly basis.
15. Hume Lake and Cedar Grove and intermediate points.
(Subject to Notes 1 and 3)

NOTE 1.--Transportation shall be on an on-call basis.

NOTE 2.--Daily except Sunday.

NOTE 3.--Service between Hume Lake and Cedar Grove and intermediate points will be subject to minimum shipments of 8,000 pounds as to shipments originating or destined to points east of Barton.

(END OF APPENDIX A)

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Decision No. 79094, Application No. 52729.