

Decision No. 79464**ORIGINAL**

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 Property, as defined in Section 213 of the Public Utilities Code to FRESNO BASS LAKE FREIGHT LINES, INC. (a California corporation) also to remove restriction imposed by Commission Decision 63089 restricting transporting of commodities requiring protection from heat.

Application No. 52729
(Petition for Modification
filed October 18, 1971)

SUPPLEMENTAL OPINION

By Decision No. 79094 dated August 31, 1971, as amended by Decision No. 79199, dated October 5, 1971, Fresno Bass Lake Freight Lines, Inc., was authorized to acquire from E. W. Simmons a certificate of public convenience and necessity to operate as a highway common carrier. In granting the authority the Commission revoked said certificate as well as the certificate granted by Decision No. 56590, dated April 22, 1958, in Application No. 39897, pursuant to which Fresno Bass Lake Freight Lines, Inc., was authorized to operate as a highway common carrier for the transportation of property as follows:

- (1) Between Fresno and Wawona via State Highway No. 41; and also via Friant, O'Neals, 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, on an on-call basis.
- (3) Service is authorized by diversion to and from South Fork and Indian Mission.

- (4) Between Bass Lake and Clover (Glover) Meadows and intermediate points, on an on-call basis.
- (5) Between Auberry Road and Friant and intermediate points, on an on-call basis.
- (6) The main roads connecting the aforementioned routes and points located thereon.

The following shall be on an on-call basis:

- (7) Between North Fork and Beasore Meadow, via South Fork, Hogue Ranch, Soda Springs, Long Meadow.
- (8) Between Long Meadow and Fullers Meadow, via Arnold Meadow, Forked Meadow, Logan Meadow and Mammoth Pool.
- (9) Between Soda Springs and Forked Meadow, via Placer Guard Station.
- (10) Between Big Creek Power House No. 4 and Italian Bar via Dam No. 7.
- (11) All intermediate and off-route points of Castle Peak and Lake Redinger.
- (12) Traversing all unnumbered county roads between the above-named points.

Fresno Bass Lake Freight Lines, Inc., was also conducting corresponding interstate operations pursuant to registered authority from the Interstate Commerce Commission. Prior to the transfer E. W. Simmons also held corresponding registered interstate authority, but it was revoked by the I.C.C. effective March 16, 1970.

In the place and stead of said certificates the Commission restated said authorities in the form of a new certificate in loose leaf form.

By its petition for modification filed October 18, 1971, Fresno Bass Lake Freight Lines requests that the Commission authorize the transfer of the registered interstate authority of E. W. Simmons and authority to engage in interstate commerce in the whole area covered by the restated certificate.

The request in its present form exceeds the jurisdiction of this Commission.

This Commission can neither transfer interstate authority nor can it grant interstate authority. This Commission has the authority upon the filing of an appropriate application to make a finding that public convenience and necessity require an applicant's service in both intrastate and interstate commerce provided notice has been published in the Federal Register. Neither the original application nor the petition for modification comply with this procedure.

It is therefore suggested that applicants file an appropriate amendment to the original application and publish notice in the Federal Register.

SUPPLEMENTAL ORDER

IT IS ORDERED that the petition filed by Fresno Bass Lake Freight Lines, Inc., on October 18, 1971, is hereby dismissed without prejudice.

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

Dated at Los Angeles, California, this 14th day of DECEMBER, 1971.

J. F. Valerius, Jr.
Chairman
William S. ...
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Commissioners