

Decision No. 79670

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 restric-  
 tion imposed by Commission Decision 63089  
 restricting transporting of commodities  
 requiring protection from heat.

Application No. 52729

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 79094, dated August 31, 1971, in Application No. 52729, Fresno Bass Lake Freight Lines, Inc. (a California corporation) was granted a certificate of public convenience and necessity to operate as a highway common carrier. In the original application, applicant failed to request a finding by the Commission that public convenience and necessity required a corresponding interstate service by applicant. By the application, as amended, applicant requests a finding by the Commission that applicant's service is required for the transportation of shipments moving in intrastate, interstate and foreign commerce. An appropriate notice has been published in the Federal Register and no protests have been received.

The Commission therefore finds that public convenience and necessity require applicant's service as a highway common carrier for the transportation of shipments moving in intrastate, interstate and foreign commerce to the extent set forth in the ensuing order. A public hearing is not necessary.

Fresno Bass Lake Freight Lines, Inc. (a corporation) 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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Fresno Bass Lake Freight Lines, Inc., authorizing operations 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.

2. 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-Series.
- (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 thirty days after the effective date of this order on not less than thirty 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 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.
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 79094, dated August 31, 1971, and supplemental Decision No. 79199, dated October 5, 1971,

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in Application No. 52729, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2 hereof.

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

Dated at San Francisco, California, this 1st  
day of FEBRUARY, 1972.

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Chairman  
  
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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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13. Between Fresno and the area of General Grant Grove Section, prior to its annexation to Kings Canyon National Park in 1940, 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. 180 to Centerville; east on State Highway No. 180 to Minkler; east on State Highway Route No. 180 (formerly Squaw Valley Road) to Sears Corner; east on State Highway No. 180 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 the area of General Grant Grove Section, prior to its annexation to Kings Canyon National Park in 1940, 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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