

ORIGINALDecision No. 81780

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 KERNVILLE STAGE & FREIGHT LINES OF
 CALIFORNIA, a California corporation,
 for a certificate of public convenience and necessity authorizing the
 transportation of general commodities between Fresno, California,
 and Barstow, California, and intermediate points.

Application No. 53938
 (Filed March 30, 1973)

O P I N I O N

Kernville Stage & Freight Lines of California, presently providing service as a highway common carrier for the transportation of general commodities, with certain exceptions, and as a passenger stage corporation for the transportation of passengers, their baggage, and express weighing 100 pounds or less, between Bakersfield, Kernville, and Onyx, including all intermediate points, requests authority to extend operations as a highway common carrier in an area from Fresno on the north, Cajon Junction on the south, and Trona and Barstow on the east.

Applicant is presently operating as a highway common carrier and as a passenger stage corporation pursuant to the authority granted by Decision No. 80072 dated May 16, 1972 in Application No. 53258. Operations are also conducted pursuant to a radial highway common carrier permit, a highway contract carrier permit, and a dump truck carrier permit.

The proposed transportation would be daily, Monday through Friday, with time in transit being both same day and over night, depending upon the time of day requests for service are received. Rates would be assessed on the same scale as those contained in Minimum Rate Tariff 2 and other applicable minimum rates. Service would be limited to shipments moving in intrastate commerce only.

Applicant maintains its place of business in Bakersfield and it owns and operates six units of equipment.

It is alleged that applicant is presently serving the proposed area as a permitted carrier; that the expansion of its operation is in no small way directly attributable to the large scale population influx into the area, and it is realistically expected that such expansion will continue due to the contemplated population increase envisioned; that as a result of the increased population and the continued increase in demand for its service, applicant finds itself in the position of having to apply for extended certificated authority to continue and perpetuate its operations; and that the service which applicant has provided and proposes to provide in the future is responsive to the needs of the shipping public.

Copies of the application were served upon Pacific Motor Trucking Co., Western Gillette, Inc., Rowe Transportation Inc., and upon the California Trucking Association. The only protest was filed by Pacific Motor Trucking Co. Said protest was subsequently withdrawn by letter dated June 28, 1973.

After consideration the Commission finds that public convenience and necessity require the granting of the application. The Commission further finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment. The Commission concludes that the application should be granted as set forth in the ensuing order. A public hearing is not necessary. Applicant's highway common carrier certificate will be reissued to include the new authority granted, and its passenger stage authority will be restated for convenience.

Kernville Stage & Freight Lines of California is 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. 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. Certificates of public convenience and necessity are granted to Kernville Stage & Freight Lines of California, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, and as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points set forth in Appendices A and B, attached hereto and made a part hereof.

2. In providing service pursuant to the authorities granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authorities.

- a. Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificates granted. Applicant is placed on notice that if it accepts the certificates it will be required, among other things, to comply with the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Orders Nos. 100-Series and 101-Series.
- b. Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and amend or 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 authorized service.

- 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 Orders Nos. 79-Series and 80 Series.
- 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 certificates of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificates of public convenience and necessity to operate as a highway common carrier and as a passenger stage corporation granted by Decision No. 80072 dated May 16, 1972 in Application No. 53258, which

certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 2.b.

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

Dated at San Francisco, California, this 21st day of AUGUST, 1973.

Vernon L. Stearns
President
William Synovis
W. H. Brown
Thomas
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Kernville Stage & Freight Lines of California, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities between:

1. Fresno and Bakersfield, via State Highway 99.
2. Bakersfield and Barstow, via State Highway 58.
3. Palmdale and Cajon Junction, via State Highway 138.
4. Cajon Junction and Barstow, via Interstate Highway 15 (U.S. Highway 66).
5. The junctions of U.S. Highway 395 with Interstate Highway 15 (near Kesperia), and State Highway 14 (near Inyokern), via U.S. Highway 395.
6. Bakersfield and Trona, via State Highway 178.
7. The junction of State Highway 14 with State Highway 178 (near Homestead), and Palmdale, via State Highway 14.
8. The junction of Trona Road with U.S. Highway 395, and Trona, via unnumbered county road (Trona Road).
9. Serving all intermediate, points and all off-route points within 20 miles laterally of the routes referred to in paragraphs (1) through (8).

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 81780, Application No. 53938.

Kernville Stage & Freight Lines of California, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a passenger stage corporation as defined in Section 226 of the Public Utilities Code for the transportation of passengers, their baggage and shipments of express weighing 100 pounds or less in passenger-carrying vehicles, upon and along the route between Bakersfield, Kernville and Onyx including all intermediate points.

(End of Appendix B)

Issued by California Public Utilities Commission.

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