

Decision No. 85854 <sup>1</sup>

ORIGINAL

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 trans-  
portation of general commodities between  
Lodi and Fresno, California and  
Bakersfield and Barstow, California,  
and intermediate points.

Application No. 55571  
(Filed March 17, 1975;  
amended September 18, 1975)

O P I N I O N

Applicant (Kernville) is a corporation organized and existing under the laws of the State of California. It now operates as a highway common carrier of general commodities from Fresno south to Bakersfield, then east to Trona and south to Barstow and Claremont. Applicant also operates as a permitted carrier of general commodities in the same general area. Applicant originally requested authority to serve from Stockton and Lodi south on Highway 99 to Fresno and from Bridgeport south on Highway 395 to the vicinity of Inyokern. Protests were filed by Asbury Transportation Co., Pacific Motor Trucking Company, and Delta Lines, Inc. All protests were withdrawn after the application was amended on September 18, 1975. The proposed certificate (which includes applicant's present authority) included in the amended application is quoted below, less restrictions:

- "1. Lodi and Bakersfield, via State Highway 99.
- "2. Interstate Highway 580 from its junction with State Highway 99 to Stockton.
- "3. Bakersfield and Barstow, via State Highway 58. ✓

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

All additional territory requested is included in paragraphs 1 and 2.

Applicant will provide service on Monday through Friday, with same-day or overnight service depending upon when goods are tendered. The rates to be assessed will be on the same scale as those contained in the Commission's Minimum Rate Tariff 2 and other applicable minimum rate tariffs; and service will be in intrastate, interstate, and foreign commerce, wholly within the State of California. A copy of the original application was filed with the Interstate Commerce Commission and published in the Federal Register on April 2, 1975. Protests were filed and then withdrawn as previously explained.

Applicant operates out of a terminal in Bakersfield with 1 tractor, 3 trucks, 2 vans, 1 semitrailer flatbed, and 1 full trailer flatbed. Applicant's balance sheet, as of December 31, 1974,

shows total assets of \$84,847.72 and total liabilities of \$79,328.02; net income for 1974 is given as \$5,995.47 out of a total operating revenue of \$172,417.12.

Applicant alleges that its frequency of service in the area it has applied to serve is about to exceed the level expected of a permitted operator, and it has, therefore, filed this application in response to the needs of its shippers.

Upon consideration the Commission finds:

1. Applicant has the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by this decision.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. A public hearing is not necessary.
5. All of applicant's operating authority should be included in the present certificate.

The Commission concludes that the application should be granted as set forth in the ensuing order. The territorial description or routes of the authority granted reflect the names of redesignated highways and roads and do not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

Applicant 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. A certificate of public convenience and necessity is 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, between the points and over the routes set forth in Appendix A of this decision.

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

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by 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 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 Order No. 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 April 30 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. 81780,

which certificate is 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 25<sup>th</sup> day of MAY, 1976.

William Symon Jr. President  
Thomas L. Stinson  
Robert B. ... Commissioners

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

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.

KERNVILLE STAGE &  
FREIGHT LINES OF CALIFORNIA  
(a California corporation)

Kernville Stage & Freight Lines of California, a California corporation, 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 the following points and places:

- (1) Lodi 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 Hesperia), and State Highway 14 (near Inyo-kern), 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).

Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases,

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- overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
  3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
  4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
  5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
  6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
  7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
  8. Logs.
  9. Articles of extraordinary value.

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10. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
11. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
12. Explosives subject to U. S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.
13. Machinery, equipment, materials, and supplies used in, incidental to, or in connection with the discovery, development, production, and preservation of natural gas and petroleum, and the construction, operation, maintenance, repair, serving, and dismantling of plants and facilities for refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

(END OF APPENDIX A)

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