

Decision 84 G1 C24

JAN 5 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Ladner & Davidson Lines, Inc., for)
removal of 40-air miles restriction,)
Class "B" Charter-Party Certificate)
TCP-70-B.)

Application 83-06-64
(Filed June 29, 1983)

O P I N I O N

Ladner & Davidson Lines, Inc. (applicant) seeks an order modifying a clause in Decision (D.) 90276. That decision granted applicant a Class B charter-party certificate. The clause in question prohibits operations from points outside of applicant's service territory which includes all points within 40 miles from its terminal in Los Angeles. Applicant claims that there is a public need for operations originating elsewhere.

Public Utilities (PU) Code § 5371.2 states in relevant part:

"All holders of certificates issued subsequent to 90 days after the effective date of this section shall operate from a service area to be determined by the commission. In no case shall this area encompass more than a radius of 40 air miles from the home terminal."

Applicant was advised of the legal defect in the application in August. It promised to withdraw the application but has failed to do so.

We conclude that PU Code § 5371.2 prohibits us from authorizing a Class B charter-party carrier to operate from points

which are located more than 40 miles from its terminal and that the application must be denied.

O R D E R

IT IS ORDERED that this application is denied.

This order becomes effective 30 days from today.

Dated JAN 5 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

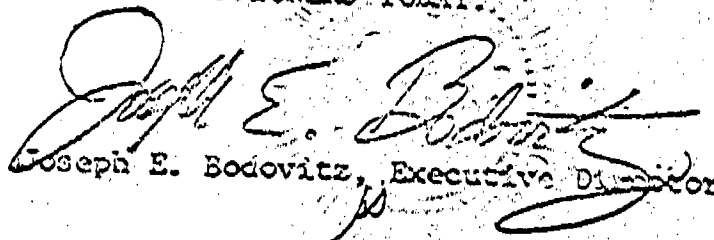
PRISCILLA C. CREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director