

ORIGINAL

Decision No. 92260 SEP 16 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of CONDOR FREIGHT LINES, a )  
California corporation, for a )  
Certificate of Public Convenience )  
and Necessity pursuant to )  
Section 1063, et seq., of the )  
Public Utilities Code, to operate )  
as a Highway Common Carrier for )  
the transportation of property in )  
intrastate commerce. )

Application No. 59543  
(Filed March 27, 1980)

ORDER OF DISMISSAL

Condor Freight Lines, a California corporation, requests a certificate of public convenience and necessity authorizing operations as a highway common carrier for the transportation of general commodities, with certain exceptions, between all points on or within 25 miles of six designated routes extending from Redding south to the California-Mexican border under provisions of Section 1063 of the Public Utilities Code. A concurrent finding of public convenience and necessity for the transportation of traffic moving in interstate authority is not requested.

The Commission's records indicate that applicant was issued, and presently holds, a statewide general commodity certificate pursuant to Senate Bill 860. Under the Section 1063.5 certificate held by applicant issued pursuant to SB 860, applicant may perform

all of the service for which authority is sought in Application No. 59543. Moreover, applicant's duties and obligations to the public are the same. No useful regulatory purpose would be served by the issuance of a common carrier certificate under provisions of Section 1063 to perform the same transportation service that applicant now is authorized to provide under its Section 1063.5 certificate.<sup>1/</sup> Because of the Commission's established policy prohibiting a carrier from holding duplicating authority, the application will be dismissed.

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<sup>1/</sup> The Interstate Commerce Act provisions authorizing States to issue coextensive intra- and interstate operative rights require a finding that public convenience and necessity require the granting of the operative right. A Section 1063 certificate converted from a former radial highway common carrier permit is not based on such finding. Therefore, Section 1063 authority is required to be obtained whenever a coextensive interstate certificate is granted.

IT IS ORDERED that Application No. 59543 is dismissed.  
The effective date of this order shall be thirty days  
after the date hereof.

Dated SEP 16 1980, at San Francisco, California.

John E. Bryan  
President  
William L. Stinson  
Michael D. Gwalle  
Clair J. Deprick  
James M. James  
Commissioners