

Decision No. 30588

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY for)
certificate of public convenience and) Supplemental Application
necessity for the transportation by) No. 18699
motor trucks of railroad traffic in)
the San Joaquin Valley, etc.)

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY for) Supplemental Application
certificate to transport property) No. 18881
by motor trucks under contract between)
Metz and San Luis Obispo, etc.)

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY for) Supplemental Application
certificate to transport by motor) No. 19062
truck freight and express between)
railroad stations of Southern Pacific)
Company and/or Visalia Electric Rail-)
road Company, etc. southeast of Fresno)
et al.)

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 31042, dated June 27, 1938, in the above-entitled proceedings, the Pacific Motor Trucking Company was granted supplemental authority for the performance of store-door pickup and/or delivery service at all stations heretofore named in Decisions Nos. 26261, 26939 and 27235, as amended by Decision No. 30110, limited to shipments consigned to or from the Southern Pacific Company, Pacific Motor Transport Company and/or Railway Express Agency at their rates and only in the pickup and/or delivery zones provided for in the tariffs of such carriers presently in effect and on file with the Commission. By petition filed on August 25, 1939, applicant seeks a modification of Decision No. 31042 to authorize it to

perform pickup and delivery service at the points and within the zones set forth in Exhibits R-7 and R-8 introduced in evidence⁽¹⁾ in said proceedings.

The petition cites that the Commission's opinion in Decision No. 31882 indicated that Pacific Motor Trucking Company was to be authorized to perform pickup and delivery service at all of the points and within the zones described in Exhibits R-7 and R-8 but that the order therein only reaffirmed the original⁽²⁾ authority granted by Decision No. 31042.

Reference to the record made in these various proceedings clearly indicates that as to many of the stations named in Exhibits R-7 and R-8 witnesses appeared and testified to their need for pickup and delivery service on shipments moving over the railroads or express companies involved and that in addition, stipulations were entered into between the applicants and protestants involved to the effect that public witnesses from all of the stations shown on Exhibits R-7 and R-8, if called, would thus testify and that their testimony to that effect should be

-
- (1) The basis for the petition for modification appears to be the fact that subsequent to the promulgation of Decision No. 31042 various protestants in these proceedings filed petitions for rehearing of said decision; said rehearing was had and the matters were orally argued before the Commission en banc on July 22, 1938. Thereafter, the Commission issued its Decision No. 31882, dated March 30, 1939 by which it affirmed Decision No. 31042 but granted no authority to Pacific Motor Trucking Company to perform pickup and delivery service in the cities specifically named in Exhibits R-7 and R-8.
- (2) Decision No. 31882 reaffirmed the pickup and delivery authority as limited to zones provided for in the tariffs of rail carriers presently in effect and on file with the Commission thereby limiting said authority to tariffs filed as of June 27, 1938, instead of authorizing service at the points and within the zones defined in Exhibits R-7 and R-8 which contained a number of tariff points which were not included in the tariffs filed as of the date mentioned.

considered as having been given.

Further confirming the position of applicants with respect to the specific points at which pickup and delivery service may be rendered, the Commission, referring to Decision No. 30110, has this to say on page 16 of the typewritten copy of Decision No. 31042:

"The order, in our opinion, provides that Pacific Motor Trucking Company and the Santa Fe Transportation Company are only permitted to perform pick-up and delivery service (and thence within the zones provided for in the tariffs) at definitely named stations. The names of these stations for Pacific Motor Trucking Company are set forth in Exhibits Nos. R-7 and R-8, and for the Santa Fe Transportation Company in Exhibit No. R-5."

It appears from the foregoing that Decision No. 31882 contained an inadvertence with respect to the subject matter here involved and that said error should be corrected. It does not appear, moreover, that this is a matter in which a public hearing is necessary and that an ex parte order may issue for the purpose of correcting Decision No. 31882 in that particular matter.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31882 be and it is hereby amended by adding thereto the following:

"Ordering paragraphs (A), (B) and (D) of Decision No. 31042, in so far as they relate to the performance of pickup and delivery service, be and they are hereby amended to read as follows:

"(A) Provided, however, that applicant hereby further is authorized to perform store-door pickup and delivery service at all station points named in Exhibits Nos. R-7 and R-8 as filed in Application No. 20297 and herein granted, only when such store-door pickup and delivery is limited to shipments consigned

to or from Southern Pacific Company and/or Railway Express Agency, Inc., at their rates and only within the pickup and delivery zone limits defined and set forth in said exhibits.

"(B) Provided, however, that applicant hereby further is authorized to perform store-door pickup and delivery service at all station points named in Exhibits Nos. R-7 and R-8 as filed in Application No. 20297 and herein granted, only when such store-door pickup and delivery is limited to shipments consigned to or from Southern Pacific Company and/or Railway Express Agency, Inc., at their rates and only within the pickup and delivery zone limits defined and set forth in said exhibits."

"(D) No. 6. The certificate herein granted authorizes applicant to perform store-door pickup and/or delivery service at all station points named in Exhibits Nos. R-7 and R-8 as filed in Application No. 20297 and herein granted, only when such store-door pickup and/or delivery service is limited to shipments consigned to or from Southern Pacific Company and Railway Express Agency, Inc., at their rates and only within the pickup and delivery zone limits defined and set forth in said exhibits."

In all other respects, Decision No. 31882 shall remain unchanged and in full force and effect.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 25 day of October, 1940.

Ray L. Riley
Robert H. [unclear]
Justin J. [unclear]
COMMISSIONERS