

Decision No. 35265

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
HOLMES EXPRESS, a corporation, for )  
an "in lieu" certificate of public )  
convenience and necessity to operate )  
a common carrier truck service for )  
the transportation of property )  
between San Francisco, San Jose, )  
Robertsville, Los Gatos, Permanents, )  
Los Altos, and all intermediate points.)

Application No. 24511

**ORIGINAL**

DOUGLAS BROOKMAN, for applicant.

J. F. VIZZARD for Highway Transport,  
Inc., interested party.

BY THE COMMISSION:

INTERIM OPINION

Applicant Holmes Express, a corporation, is operating as a highway common carrier between San Francisco, Robertsville, San Jose, Los Gatos and intermediate points. The certificate creating the operative right was granted by Decision No. 17857, in Application No. 12354.<sup>(1)</sup>

In the above-entitled proceeding applicant, Holmes Express, requests the Commission to issue to it a new certificate in lieu of that granted by Decision No. 17857 which will authorize it to serve not only the points specifically named in the certificate now held, but, in addition thereto, all points intermediate to termini and all points within one mile laterally of the

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(1) That operative right was acquired by applicant under the authority of the Commission's Decision No. 42931, in Application No. 18229.

routes of operation through unincorporated territory and one mile laterally from the corporate limits of incorporated communities served excepting San Francisco. It also requests authority to serve Port of Redwood, Veteran's Base Hospital near Palo Alto and the new industries located at Permanente in Santa Clara County. Under the new certificate, applicant proposes to transport general commodities.<sup>(2)</sup>

Public hearing thereon was held before Examiner Paul at the conclusion of which the matter was taken under submission subject to the filing of an amendment to the application containing a description of applicant's proposed routes of operation. This amendment having been filed, the matter is now ready for decision. No one appeared in opposition to the application.

It appears from the record that there is an urgent need for a highway common carrier service to and from Permanente to meet the needs of industries established there. We will therefore dispose of this portion of the application at this time reserving the disposition of the remainder for an order to be issued at a later date.

The only public witness testimony offered in support of the application was that of the commerce counsel of the traffic management company for Permanente Metals and Permanente Corporation. These companies, respectively, are engaged in the production of metallic magnesium and Portland cement at

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(2) At the hearing the application was amended to exclude used household goods, office and store fixtures as defined in Item 40(a) of City Carriers Tariff No. 3 and Highway Carriers Tariff No. 4, being Appendix "A" of Decision No. 32325, when "uncrated" as defined in Item 11(p) thereof.

Permanente. The office of the traffic management is located at San Francisco. According to the witness, it makes arrangements for the transportation of shipments to the plants at Permanente, traces shipments when the need arises, arranges rate adjustments, audits the freight bills of the companies and, in general, does all things necessary to expedite traffic consigned to these plants at Permanente. The witness stated that these companies urgently need an expeditious highway common carrier service for same day delivery of less-than-carload shipments direct from San Francisco to Permanente and none being available, his company has called upon applicant to provide that service.

After full consideration of the record adduced in support of that portion of the application to serve Permanente, it appears that public convenience and necessity require this extension. An interim order will be entered authorizing this service.

#### INTERIM ORDER

A public hearing thereon having been held and the Commission now being fully advised and it having been found that public convenience and necessity so require:

IT IS ORDERED that pending the final determination of the above-entitled matter a certificate of public convenience and necessity be and it hereby is granted to Holmes Express, a corporation, authorizing operations as a highway common carrier, as defined in section 2-3/4 of the Public Utilities Act, between Sunnyvale and Permanente, subject to the following conditions:

1. Holmes Express its successors or assigns, may never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.
2. Applicant shall not transport used household goods, office and store fixtures as defined in Item 40(a) of City Carriers Tariff No. 3 and Highway Carriers Tariff No. 4, being Appendix "A" of Decision No. 32325, when "uncrated" as defined in Item 11(p) thereof.

IT IS FURTHER ORDERED that in the operation of a highway common carrier service pursuant to the foregoing certificate Holmes Express shall comply with and observe the following service regulations:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the rules of the Commission's General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 14<sup>th</sup> day of April, 1942

Justin J. Grauer  
Ray K. Roney  
H. G. Baker  
Francis D. Havens  
Richard H. Hachse  
 COMMISSIONERS