

ORIGINAL

Decision No. 37699

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SANDERCOCK TRANSFER COMPANY, a California)
 corporation, for certificate to operate)
 truck line service as a common carrier)
 between San Luis Obispo and San Jose,)
 San Francisco, Berkeley, Newark, Alvarado)
 and certain intermediate points, and be-) Application No. 19736
 tween San Luis Obispo and Los Angeles and)
 Los Angeles Harbor and certain inter-)
 mediate points.)

WARREN SANDERCOCK, C. P. KAETZEL and WALLACE L. WARE,
for Sandercock Transfer Company.

WILLIAM MEINHOLD, for Southern Pacific Company,
Pacific Motor Trucking Company and Santa
Maria Valley Railroad Co.

EDWARD STERN, for Railway Express Agency, Incorporated.

BY THE COMMISSION:

OPINION ON REHEARING

The Commission, by its Decision No. 37481, dated
 November 21, 1944, granted to Sandercock Transfer Company, a
 corporation, ⁽¹⁾ a certificate of public convenience and necessity
 for the transportation of livestock by motor vehicle generally
 between San Francisco and Los Angeles via U. S. Highways Nos.
 101 and 101A, and along State Route No. 178 and U. S. Route No. 99
 between Santa Margarita and Los Angeles and fifty miles laterally
 therefrom.

Southern Pacific Company, Pacific Motor Trucking Company

(1) Hereinafter referred to as Sandercock.

(2)
and Santa Maria Railroad Co., on December 1, 1944, filed a petition for rehearing in the above matter. Order granting rehearing was issued by the Commission on January 5, 1945.

A public hearing on the petition was held by Commissioner Craemer and Examiner Gorman at Los Angeles on February 1, 1945, at which time the matter was duly submitted.

Counsel for Petitioners did not introduce any new evidence at the rehearing but alleged generally that the Commission apparently relied on Exhibit No. 13, which was not a recapitulation of all the movements of livestock transported by Sandercock during the period shown, but was merely a showing of the routes traversed, in determining the extent of the certificate granted; that applicant did not seek the authority granted; and that the record contained only evidence in an attempt to show a necessity for service between San Luis Obispo and points within 50 miles thereof, on the one hand, and San Francisco, South San Francisco, San Jose and points in the general vicinity of Los Angeles, on the other hand, and that no substantial evidence was introduced at prior hearings to support public convenience and necessity for movements north of San Francisco or between Bakersfield and Los Angeles and intermediate points. The other points upon which Petitioners requested rehearing were not urged.

Counsel for Sandercock stated that Exhibit No. 13 was not intended to show all the movements of livestock but was to show generally the routes over which the applicant had operated; that applicant sought to serve the areas of California where

(2) Hereinafter referred to as Petitioners.

livestock was raised; that the record substantiated the contention of applicant that his previous livestock operations were not confined to the area in the vicinity of San Luis Obispo; and that applicant had applied to render service to the areas as granted as well as to a considerably larger area.

After carefully considering the entire record in this proceeding, we are of the opinion that Petitioners have not presented any evidence which would conclusively justify a revision in the order of Decision No. 37481.

ORDER ON REHEARING

A petition for rehearing in the above-entitled matter having been filed, a public hearing having been held, and the Commission being fully apprised,

IT IS HEREBY ORDERED that Decision No. 37481, dated November 21, 1944, on Application No. 19736 be and the same is hereby affirmed.

Dated at San Francisco, California, this 6 day of _____, 1945.

David Anderson
Justice F. Casper
Richard L. Lusk
Frank W. Carr
Samuel L. Russell
COMMISSIONERS