

Decision No. 39716

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
KELLOGG EXPRESS AND DRAYING CO., a)
corporation, for a certificate of)
public convenience and necessity)
authorizing it to serve Hedgeside)
Distillery, Chabot Acres and all)
points between Napa and Vallejo,)
California, as a highway common)
carrier.)

ORIGINAL

Application No. 26110

REGINALD L. VAUGHAN, for applicant.
DOUGLAS BROOKMAN, for Vallejo Express Company,
protestant.
WILLIAM MEINHOLD, for Southern Pacific Company and
Pacific Motor Trucking Company, protestants.

O P I N I O N

Among the highway common carrier operations of applicant Kellogg Express and Draying Co. is one between San Francisco and Napa, and between Vallejo and Napa, (1)

In the above entitled matter, applicant seeks a highway common carrier certificate authorizing the transportation of property between San Francisco, Oakland, Alameda, Piedmont, Emeryville, Berkeley, Albany and San Leandro, on the one hand, and, on the other hand, Hedgeside Distillery and Chabot Terrace and points intermediate to Vallejo and Napa, including Flodden, Napa Junction, Basalt Shipyards and Imola but excluding Vallejo and Napa. Hedgeside Distillery is between three and four miles north-

(1) Such operation was conducted in conjunction with vessels operated by applicant between San Francisco, Vallejo and Napa. Since the submission of this matter, the Commission, by Decision No. 38311, revoked all of applicant's vessel operative rights and granted a highway common carrier certificate "... between San Francisco, on the one hand, and, on the other hand, Mare Island, Vallejo, Napa and points intermediate to Vallejo and Napa, heretofore served by vessel."

east of Napa and Chabot Terrace is a federal housing project about two miles north of Vallejo. A public hearing thereon was had and the matter was submitted for decision.

(2)
The application was opposed by Vallejo Express Company, Southern Pacific Company and Pacific Motor Trucking Company.

The manager of a variety store at Chabot Terrace testified that applicant transports two or three shipments a week for him in a satisfactory manner and desires a continuance of applicant's service. He had no complaint of the service rendered to him by other common carriers. Another witness stated that his company uses the service of applicant for shipments daily to Vallejo, some of which are destined to Chabot Terrace. A relatively small amount of tonnage was involved. Applicant's traffic manager expressed the opinion that about three tons of traffic daily to Chabot Terrace could be developed if the operation were certificated. Other public witnesses were of the opinion that added transportation facilities to and from Chabot Terrace are desirable. The vice president of Hedgeside Distillery testified that shipments averaging approximately 50,000 pounds a day southbound, and 20,000 pounds a day northbound, except Sundays, are moving between Hedgeside and San Francisco and East Bay points, for which he needs a reliable and dependable common carrier service. He receives shipments daily from applicant at applicant's Napa dock which are picked up by the witnesses' trucks. He desires that these shipments be delivered to his plant by applicant. He also stated, in substance, that other carriers

(2) Vallejo Express Company is the new corporate name of Vallejo, Napa and Calistoga Transport Company, which, during the course of the hearing in this proceeding, acquired the highway common carrier operative rights of F. E. Ward, an individual doing business as Vallejo Express Company.

are serving his plant; that he has no arrangements or understandings with any of them; and, that their services are generally unsatisfactory. The traffic manager of a San Francisco distributor testified that his firm receives shipments from Hedgeside which are all transported by applicant under an oral arrangement. The volume was not indicated.

A public witness for protestants testified that service accorded him at Chabot Terrace has been very satisfactory and that he needs no additional service. The manager of Vallejo Express testified, in substance, that during a typical period of one week his company has transported 21 shipments weighing 8,487 pounds to various stores at Chabot Terrace and that no complaints concerning service had been received.

There was no evidence with respect to a need for service to or from points located between Chabot Terrace and Napa. The evidence with respect to a public need for the proposed service to or from Chabot Terrace is meagre and, in our judgment, insufficient to authorize its establishment. While it was shown that Hedgeside Distillery is without common carrier service for its traffic moving between its plant and San Francisco and Oakland, and a witness expressed dissatisfaction with the service used, such showing when considered with the evidence of record as a whole impels the conclusion that public convenience and necessity do not justify the granting of the certificate as sought. The only receiver of shipments from Hedgeside who testified, stated that he had no complaint in regard to the service received by him. Upon this record the application must be denied.

O R D E R

A public hearing having been had in this proceeding, evidence adduced and the matter submitted and it being hereby found that public convenience and necessity do not require the proposed operation,

IT IS ORDERED that Application No., 26110 is hereby denied.

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

Dated at San Francisco, California, this 16th day of December, 1946.

Harold P. Kula
Justin F. Calver
Francis D. ...
John A. Powell
R. Z. ...
COMMISSIONERS