

Decision No. 40509

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
CHARLES I. DOWD, doing business as)
DOWD'S EXPRESS & STORAGE, for authori-)
zation to effect changes in operating)
rights: - to abandon portions of his)
certificated route and to use alternate)
route between Oakland and certain Marin)
County points.)

Application No. 27789

FRANK LOUGHERAN, for applicant.

O P I N I O N

On May 17, 1926 the Commission issued Decision No. 16737 which granted a certificate to Charles I. Dowd authorizing a common carrier operation for the transportation of "furniture and household goods, including baggage, between Mill Valley and Oakland and intermediate points, and between Mill Valley and San Francisco and intermediate points, also between Sausalito and San Rafael, serving Mill Valley and intermediate points."

By the above entitled application, as amended, applicant requests authority to abandon his certificated service with the exception of service between San Francisco and Oakland, on the one hand, and Sausalito and San Rafael and intermediate points, with off-route service to Mill Valley, on the other hand. He also requests authority to use the San Francisco-Oakland Bay Bridge and the Golden Gate Bridge, in addition to the use of a route via the Richmond-San Rafael Ferry. A public hearing thereon was had before Examiner Paul at San Francisco on June 13, 1947, and the matter was submitted on the record.

The only evidence adduced in support of the request was the testimony of applicant. In substance he stated that since the establishment of the certificated service the various cities and communities of Marin County have developed to such an extent that the region has in fact become metropolitan; that because of such growth and development it is more difficult to determine the boundaries between the various incorporated towns and communities; that on account of competitive conditions resulting from the operations of other carriers performing a similar service, either as highway common carriers or radial highway common carriers, he has been placed at a disadvantage with respect to quoting rates and providing service and that if authorized to abandon his highway common carrier certificate between points within Marin County he would be able to overcome such disadvantages. He testified that he is presently providing service on a daily basis between points in Marin County, for which he holds a certificate, and that he would continue to provide such service on an "on call" basis in the same manner as he does now, and heretofore has, under his certificate.

It is not clear from this record what advantages would accrue to the applicant if he were permitted to abandon his highway common carrier certificate which authorizes operations between points within Marin County. Applicant testified that he would continue his operation on an "on call" basis between the points within Marin County, for which he now holds a certificate, in the same manner as it is now and has been conducted heretofore. Therefore, to grant such request would be tantamount to condoning an unlawful operation by applicant as it is clear from this record

that he plans to continue a highway common carrier operation between points in Marin County without a certificate of public convenience and necessity as required by law.

After careful review of all the evidence of record in this proceeding, it is our conclusion and we find that applicant has failed to show any justification for the abandonment of his certificate of public convenience and necessity authorizing highway common carrier operations between points in Marin County or that his operations in the future would be other than those of a highway common carrier. It was shown that it is in the public interest to authorize applicant to use the San Francisco-Oakland Bay Bridge and the Golden Gate Bridge in conducting his certificated operations.

O R D E R

An application therefor having been filed, a public hearing had thereon, evidence adduced, the Commission being fully informed therein and based upon the evidence of record and the findings set forth in the foregoing opinion,

IT IS ORDERED as follows:

(1) That Charles I. Dowd is hereby authorized to use the San Francisco-Oakland Bay Bridge and Golden Gate Bridge in conducting highway common carrier operations pursuant to the certificate granted by Decision No. 16737, dated May 17, 1926.

(2) That Application No. 27789 in all other respects is hereby denied.

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

Dated at San Francisco, California, this 8th day of July, 1947.

Harold Huls
Justus F. Cadden
Les A. Powell
A. J. [unclear]
Samuel [unclear]
COMMISSIONERS