

ORIGINAL

Decision No. 40935

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LILLIE TRANSPORTATION COMPANY, INC.,)
a California corporation, for a)
certificate of public convenience)
and necessity to operate a highway)
common carrier service for the)
transportation of fresh or green)
fruits and vegetables, eggs and)
poultry, and live frogs between)
designated points in Stanislaus,)
San Joaquin, and Merced Counties,)
on the one hand, and San Francisco)
and Oakland, on the other hand,)
returning empty shipping containers.)

Application No. 28839

O P I N I O N

By the above-entitled application Lillie Transportation Company, Inc., requests a certificate of public convenience and necessity authorizing the establishment and operation of a highway common carrier service limited to the transportation of (1) fresh or green fruits and vegetables, eggs and poultry and live frogs from Modesto, Oakdale, Waterford, Montpelier, Turlock, Patterson, Vernalis and Solida, and points and places within a radius of 10 miles of each of said points, on the one hand, to San Francisco and Oakland, on the other hand; and (2) empty shipping containers for said commodities which may be returned to points of origin from said points of destination, or forwarded to said points of origin for a return pay load of said commodities. Said certificate is sought subject to a restriction that no service will be performed to or from points in Stanislaus, San Joaquin or Merced Counties served

(1)
by certain rail lines.

The proposed rates which applicant would assess would be those heretofore established as minimum in applicable minimum rate orders of the Commission.

As justification for the authority sought, the application states in substance that the Commission in July, 1945, granted a certificate to a partnership known as Goodman Service to perform an operation identical to that proposed by applicant herein, except that no authority was given to transport live frogs; that applicant heretofore filed its Application No. 28775 requesting authority to purchase the operative right granted to said partnership known as Goodman Service; that since the filing of said application, applicant is informed and believes and therefore alleges that Goodman Service has discontinued operations and it appears probable that said operative right cannot be transferred as a result of the said alleged discontinuance of the service by Goodman's Service and that there is now no common carrier service in existence which is able to perform the transportation of commodities herein involved. The application further states that the commodities which applicant seeks

(1) The proposed restriction reads as follows:

"Applicant shall transport no freight which may originate at or be destined to any point in Stanislaus, San Joaquin or Merced Counties (including the corporate limits of every municipality and the area within one mile of the post office in any unincorporated community), served by the rail lines of Southern Pacific Company, the Atchison, Topeka & Santa Fe Railway Company, Western Pacific Railroad Company, or Tidewater Southern Railway Co. However, this shall not preclude (a) the transportation of commodities originating outside of such rail points, brought by the shippers or by the applicant to a terminal situated within any such point; and (b) the transportation of empty containers returned to a terminal located within any such rail point, when destined to points or places outside of such rail point."

to transport are extremely perishable and require overnight transportation with early morning delivery at the produce markets of San Francisco and Oakland; that existing facilities do not provide the type of schedule or character of service required by shippers and that unless its application is promptly granted shippers of said commodities will be seriously prejudiced in that they will lack a transportation facility adequate to fulfill their requirements.

It is stated that applicant is experienced in the automotive transportation of property and has adequate facilities and personnel to render the specialized service required.

Railway Express Agency, Inc., Western Pacific Railroad Company, Tidewater Southern Railway Co., Southern Pacific Company, The Atchison Topeka and Santa Fe Railway Co. and Valley Motor Lines, Inc., have waived protest to the granting of the application.

From this record, we find that public convenience and necessity require the establishment and operation of the proposed service. Accordingly, the application will be granted. In view of the urgency asserted to exist the order will be made effective immediately.

O R D E R

Application therefor having been filed and it having been found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Lillie Transportation Company, Inc., authorizing the establishment and operation of service as a highway common carrier as defined by Section 2-3/4, Public Utilities Act, between Modesto,

Oakdale, Waterford, Montpelier, Turlock, Patterson, Vernalis, and Salida, and points and places within a radius of ten miles of each of said points, on the one hand, and San Francisco and Oakland, on the other hand. Said service shall be limited to the transportation of fresh or green fruits and vegetables, eggs and poultry and live frogs from said points of origin to San Francisco and Oakland; and to the transportation from San Francisco and Oakland to said points and places, of empty shipping containers of said commodities, which may be returned to points of origin, or forwarded to said points for a return paying load of said commodities.

Said certificate is granted subject to the following restriction:

Applicant shall transport no freight which may originate at or be destined to any point in Stanislaus, San Joaquin or Merced Counties (including the corporate limits of every municipality and the area within one mile of the post office in any unincorporated community), served by the rail lines of Southern Pacific Company, The Atchison, Topeka & Santa Fe Railway Company, Western Pacific Railroad Company, or Tidewater Southern Railway Co. However, this shall not preclude (a) the transportation of commodities originating outside of such rail points, brought by the shippers or by the applicant to a terminal situated within any such point; and (b) the transportation of empty containers returned to a terminal located within any such rail point, when destined to points or places outside of such rail point.

(2) That in providing service pursuant to the certificate herein granted, applicant 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 provisions of General Order No. 80 and Part IV of General Order No. 93-f by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:
 - (a) Over any and all suitable, appropriate and available public streets and highways between Modesto, Oakdale, Waterford, Montpelier, Turlock, Patterson, Vernalis and Salida, and points and places within a ten mile radius of each of said points, on the one hand, and the points of connection with U. S. Highway No. 50 near Tracy, on the other hand.
 - (b) Between said points of connection near Tracy, referred to in Paragraph (a) and San Francisco and Oakland, via U. S. Highway No. 50 and San Francisco Bay Bridge.

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

Dated at San Francisco, California, this 19th
day of November, 1947.

Harold P. Kula

Earl P. Powell

A. J. Driscoll

COMMISSIONERS