

Decision No. 41123**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 BAY CITIES TRANSPORTATION COMPANY,
 a corporation, for a certificate of
 public convenience and necessity as
 a highway common carrier as an
 alternative and supplementary method
 of operation to applicant's vessel
 operation.)
)
) Application No. 27646
)
)
)

Additional appearances:
 Frank Loughran, for applicant.
 John G. Lyons, for protestants.

OPINION ON PETITION FOR REHEARING

By Decision No. 40481, dated June 28, 1947, in this proceeding, Bay Cities Transportation Company was granted a certificate of public convenience and necessity authorizing the establishment and operation of service as a highway common carrier (1) between San Francisco, on the one hand, and Oakland and Alameda, on the other hand, and (2) between San Francisco, Oakland and Alameda, on the one hand, and Mare Island, on the other hand, as an alternative or supplementary service to its operations as a common carrier by vessel.

Protestants filed a petition for rehearing, urging that the matter be reconsidered and that the application be denied.

The Commission granted oral argument on the petition, which was had on December 15, 1947.

Applicant's vessel operations are not considered by protestants as competitive with the service they are now rendering. However, they fear that the operative rights granted by Decision No. 40481 will enable applicant to invade the transportation field occupied by them.

It is conceded by protestants that applicant should be permitted to utilize trucks when by so doing economies can be effected, provided that its operations are confined to the same type of service now being rendered and that it is not authorized to enter a new field.

The parties are in accord that the issues may be disposed of without the introduction of further evidence.

Upon careful consideration of all of the facts and circumstances of record in this proceeding in the light of the argument presented by protestants and applicant, the Commission is of the opinion and finds that public convenience and necessity require that the authority heretofore granted to applicant be modified so as to provide that the service to be rendered thereunder shall be confined to the type and character now maintained.

The petition for rehearing will be denied.

O R D E R

Public hearings having been had in the above entitled application and the Commission, upon the evidence received at the hearings and oral argument on petition for rehearing, having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That the first ordering paragraph of the order in Decision No. 40481, dated June 28, 1947, in this proceeding be and it is hereby amended to read as follows:

"It is hereby ordered that a certificate of public convenience and necessity be and it is hereby granted to Bay Cities Transportation Company, a corporation, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, (1) between San Francisco, on the one hand, and Oakland and Alameda, on the other hand, and (2) between San Francisco, Oakland and Alameda, on the one hand, and Mare Island, on the other hand, as an alternative or supplementary service to applicant's operations as a common carrier by vessel, such service to be confined to the type and character now maintained by vessel, and subject to the limitation that applicant shall not transport any shipments at rates which may be lower in volume and effect than the rates authorized by orders of the Commission in effect on the date of shipment between the same points of origin and destination for transportation by highway carriers, unless said shipments (a) originate at and are destined to applicant's regularly established terminals at San Francisco, Oakland or Mare Island, or (b) receive an immediate prior or subsequent movement by vessel."

(2) That in all other respects, Decision No. 40481 shall remain in full force and effect.

(3) That the petition for rehearing filed in this proceeding on July 7, 1947, be and it is hereby denied.

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

Dated at Los Angeles, California, this 13th day of January, 1948.

R. J. [Signature]
Justus J. Cooper
Frank [Signature]
Harold [Signature]
Samuel [Signature]
Commissioners