

Decision No. 41180

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
STOCKTON MOTOR EXPRESS, a corpora- )  
tion, for a certificate of public )  
convenience and necessity to operate )  
a highway common carrier service for )  
the transportation of automotive )  
parts, equipment, materials, and )  
supplies, between San Francisco, )  
Oakland, Berkeley, San Leandro, )  
Alameda, and Emeryville, California, )  
on the one hand, and Livermore, )  
Altamont, Tracy, Stockton, and Lodi, )  
California, on the other hand. )

ORIGINAL

Application No. 28885

O P I N I O N

(1)

Stockton Motor Express, a corporation, holds a certificate authorizing highway common carrier service for the transportation of limited commodities between San Francisco and Oakland, on the one hand, and Lodi, on the other hand, via Stockton serving certain intermediate points as set forth in Decision No. 38754 on Application No. 21155. This operative right was originally created by Decision No. 28187 in Application No. 20039 along with operative authority to serve other points not involved in this proceeding. Said Decision No. 28187 authorized the transportation of certain automotive parts, accessories and supplies necessary for and used in the building, maintenance, operation, repair and servicing of automotive equipment, as

- (1) Stockton Motor Express is the new corporate name of Automotive Purchasing Co., Inc. This corporation was authorized by Dec. No. 28539 to acquire from Thomas Keller the operative rights granted by Decs. Nos. 28187 and 30653.
- (2) (3) Decisions Nos. 28187 and 30653 authorized highway common carrier operations over two routes. Route 1 was between San Francisco, Oakland and San Jose and is not involved herein. Route 2 was a loop route with San Francisco as its starting and terminating point and in its course touching Tracy, Stockton, Sacramento and Vallejo. This Route No. 2 was amended by Decision No. 38754 as a result of which two separate routes were created having common terminals at San Francisco and Oakland, on the one hand, and, on the other hand, a terminal at Sacramento via Vallejo, and a terminal at Lodi via Stockton. The operative right over the San Francisco-Sacramento route was transferred to M. A. Gilardey pursuant to authority of Decision No. 38980 in Application No. 27431. Gilardey by Application No. 28884 is currently requesting a new certificate between San Francisco and Sacramento.

ancillary to the business of shopping for and purchasing of such commodities. Thereafter another certificate was granted to applicant by Decision No. 30653<sup>(3)</sup> on Application No. 21155 authorizing the transportation of certain additional automotive parts, accessories and supplies between the same points as in said Decision No. 28187 but such service was not limited as ancillary to the business of shopping for and purchasing of said commodities.

Applicant was also authorized to conduct operations as a freight forwarder between the same points specified in the order of said Decision No. 28187 between which highway common carrier operations were authorized. It was also granted a certificate by Decision No. 28934 in Application No. 20512 to conduct business as a freight forwarder between San Francisco and Oakland, on the one hand, and various other points including Chico, Fresno, Salinas and Monterey. The authority to conduct a freight forwarder business was limited to a service ancillary to shopping for and purchasing of automotive parts.

Applicant has requested the Commission to issue to it a new certificate in the place and stead of its highway common carrier operative rights referred to which would authorize the transportation of the identical commodities which it is now authorized to transport but desires elimination of the provision that transportation shall be limited to those commodities for which a shopping and purchasing service is provided as set forth in said Decision No. 28187. Service would be discontinued to and from Dublin Junction as no request therefor has ever been received. Authority is also sought to serve ✓ the points of San Leandro, Berkeley, Alameda and Emeryville in addition to San Francisco and Oakland, on the one hand, and, on the other hand, the other points presently served excepting Dublin Junction. Applicant wishes to preserve its present freight forwarder operative

rights.

The application states that by reason of the restriction in Decision No. 26187 applicant's tariffs contain numerous commodities which may be transported only when a purchasing service is performed. It is asserted that shippers often make shipments of non-restricted commodities included with restricted commodities for which applicant's purchasing service has not been used where applicant has no knowledge of such inclusion. These situations make it difficult for applicant in all cases to enforce the purchasing limitation which it desires removed. In support of its request for authority to extend its service to include the East Bay communities of San Leandro, Berkeley, Alameda and Emeryville it is stated that shippers of the commodities which applicant is authorized to transport are situated at those points and have a need for applicant's service.

Applicant does not propose to publish any rates lower than the minimum scale of rates for shipments of 10,000 pounds, on those commodities for which it is required to and presently does provide a shopping and purchasing service, if the shopping and purchasing provision is removed. Notwithstanding such rate proposal the Commission will, of course, expect applicant to maintain rates which are just and reasonable under the circumstances encountered. Applicant desires to continue such shopping and purchasing service when so requested. It appears to be in the public interest to remove said requirement from applicant's operative rights. However, applicant in continuing such special service will be required to state separately in its tariffs the specific charge therefor.

Other common carriers of property in the territory involved have waived protest to the granting of the application. After full

consideration it is our conclusion and we find that public convenience and necessity require the proposed operation by applicant. No public hearing appears to be necessary.

O R D E R

An application therefor having been filed, the Commission being fully informed therein 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 Stockton Motor Express authorizing operations as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of automotive parts, accessories and supplies as more particularly described in proposed Local Freight Tariff No. 1, C.R.C. No. 1, Series of Thomas Keller, doing business as Automotive Purchasing Company, submitted December 4, 1935, and approved by the Commission's Decision No. 28438 in Application No. 20039, and in proposed Local Freight Tariff No. 3, C.R.C. No. 4, Series Automotive Purchasing Co., Inc., as submitted September 23, 1938, and approved by the Commission's Decision No. 31352 in Application No. 21155, between San Francisco, Oakland, San Leandro, Berkeley, Alameda and Emeryville, on the one hand, and Livermore, Altamont, Tracy, Stockton and Lodi, on the other hand, provided that service shall be limited to automotive parts houses, garages and service stations.

(2) That the certificate described in paragraph (1) of this order is granted in the place and stead of the highway common carrier operative rights created by Decision No. 28187 in Application No. 20039 and orders amendatory thereof, and Decision No. 30653

in Application No. 21155 and orders amendatory thereof, authorizing highway common carrier service between San Francisco and Oakland, on the one hand, and Lodi, on the other hand, and the intermediate points of Dublin Junction, Livermore, Altamont, Tracy and Stockton, which operative rights are hereby revoked and annulled.

(3) That in providing service pursuant to the certificate herein granted in paragraph (1) of this order, applicant shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify it by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along U. S. Highway No. 50 between San Francisco and Lodi with an alternate route between San Francisco and Hayward via U. S. Highway No. 101 and the San Mateo Toll Bridge. All public thoroughfares may be used in providing service to and from East Bay cities authorized to be served.

(4) That, as ancillary to its business of shopping for and purchasing automotive parts, accessories and supplies necessary for and used in the building, maintenance, operation, repair and servicing of automotive equipment, a certificate of public convenience and necessity is hereby granted to Stockton Motor Express authorizing service as a freight forwarder, as defined in Section 2 (ka) of the Public Utilities Act for said commodities between San Francisco and Oakland, on the one hand, and, on the other hand, Chico, Fresno,

Marysville, Modesto, Monterey, Salinas, Santa Cruz, Watsonville, Livermore, Altamont, Tracy, Stockton, Lodi, Galt, Sacramento, Davis, Dixon, Vacaville, Fairfield, Vallejo and Napa. This certificate is granted in the place and stead of the freight forwarder operative rights heretofore created by Decision No. 28187 in Application No. 20039 and Decision No. 28934 in Application No. 20512 which operative rights are hereby revoked and annulled.

(5) That in providing service pursuant to the certificate granted in paragraph (4) of this order, applicant shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of said certificate within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of the Commission's Tariff Circular No. 2 by filing in triplicate appropriate tariffs.

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

Dated at San Francisco, California, this 2<sup>nd</sup> day of February, 1948.

R. Z. Dwyer

Earl H. Russell

Harold P. Hulse

COMMISSIONERS