

ORIGINAL

Decision No. 41360

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. W. WAY for an in lieu certificate)
of public convenience and necessity)
clarifying existing highway common)
carrier operative rights.)

Application No. 27412
1st Supplemental

O P I N I O N

A. W. Way is presently conducting a highway common carrier service between San Francisco, South San Francisco, Oakland and Santa Rosa, on the one hand, and Eureka and Arcata and certain points intermediate to Eureka and Santa Rosa, on the other hand, for a limited number of commodities. ⁽¹⁾ The authority for such operation was granted by Decision No. 39036, as amended by Decision No. 39081, both in Application No. 27412.

By the above entitled first supplemental application, as amended, applicant Way has requested the Commission to amend that certificate to include authority to transport approximately 25 additional commodities from wholesale meat packing houses located at South San Francisco and San Francisco to Garberville and all points north of Garberville to and including Arcata, Eureka, Lolota, Ferndale, Fernbridge, Fortuna, Alton and Scotia and the return of rejected shipments. The proposed traffic would be transported at the rates and subject to the rules and regulations prescribed in this Commission's Highway Carriers' Tariff No. 2.

(1) The commodities which Way may transport as a highway common carrier are: cream, butter, cheese, eggs (except hatching eggs), meat and meat products (edible, except canned goods), edible oils, draught beer, fresh vegetables, fresh fruit and dressed poultry.

As justification for the authority sought applicant alleges in substance that in order satisfactorily to use his certificated service, the packing houses at San Francisco and South San Francisco have been required to enter into contracts with applicant for the transportation of the commodities involved herein, to the same points applicant presently serves under a certificate for the transportation of other packing house products. As a result of this situation, applicant is transporting for these packing houses some commodities under his certificate and other commodities under contract without certainty in every instance as to which commodities fall within the appropriate classification. In addition, this situation penalizes the shippers by frequently requiring them to pay two minimum rates when the shipment would require only a single minimum rate if all the commodities were transported under applicant's certificated operation. Likewise, this situation places a burden upon both the shippers and applicant in requiring duplicate billings and duplicate accounting. The application states that for these reasons said packing houses have requested that applicant's service as a highway common carrier be extended to include transportation of the commodities indicated.

Other common carriers of property between the points involved have waived protest to the granting of the application.

After full consideration of this application, the Commission finds that public convenience and necessity require the service proposed by applicant, and the authority sought will be granted by amending the order of said Decision No. 39081. No public hearing is 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 that subparagraph "a." of paragraph (1) of the order of Decision No. 39081 in Application No. 27412 is hereby amended to read as follows:

- "a. From South San Francisco and San Francisco to Garberville and all points north of Garberville to and including Arcata, Eureka, Loleta, Ferndale, Fernbridge, Fortuna, Alton and Scotia, cream, butter, cheese, eggs (except hatching eggs), meat and meat products (edible, except canned goods), edible oils, draught beer, fresh vegetables, fresh fruits, dressed poultry.

From wholesale meat packing houses at South San Francisco and San Francisco to Garberville and all points north of Garberville to and including Arcata, Eureka, Loleta, Ferndale, Fernbridge, Fortuna, Alton and Scotia, bouillon cubes, dog meal, meat extracts, animal or poultry feed, viz.: blood flour, blood, bone or meat meal, dry rendered tankage, dried meat scraps, frozen food, viz.: eggs, cooked cured or preserved food, fresh fruit, fresh or green vegetables, gelatin, ice cream, ice cream mix, lard, lard compounds, lard substitutes, cooked, cured or preserved meat with or without cereal or vegetable ingredients, milk, buttermilk or whey (liquid, powdered, condensed, evaporated or dried), milk powder scrap, milk solids, mincemeat, oleomargarine, peanut butter, pork and beans, salad dressing, sandwich spreads, sausage, sausage casings, soap, soap powders, (cleaning, scouring and washing compounds consisting of soda and alkali products), animal tallow, fertilizer or feeding tankage. Any shipments of these commodities may be returned to consignors.

From Garberville and all points north thereof to and including Arcata, Eureka, Loleta, Ferndale, Fernbridge, Fortuna, Alton and Scotia to South San Francisco and San Francisco, cream, butter, cheese, eggs (except hatching eggs), fresh vegetables and fresh fruit."

IT IS FURTHER ORDERED that appropriate tariffs as required by General Order No. 80 shall be filed in triplicate on or after the effective date hereof to be made effective on not less than

5 days' notice to the Commission and the public.

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

Dated at San Francisco, California, this 30 day of March, 1948..

R. B. Anderson
Justus F. Calver
James F. ...
Harold ...
Penwith ...
COMMISSIONERS