

Decision No. 42508

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 FORTIER TRANSPORTATION COMPANY, a
 corporation, for a certificate of
 public convenience and necessity as
 a highway common carrier.

Application No. 27278

SUPPLEMENTAL OPINION AND ORDER
and
ORDER DENYING REHEARING

Decision No. 42405, dated January 4, 1949, in the above entitled proceeding, granted a certificate of public convenience and necessity to applicant, Fortier Transportation Company, to transport property as a highway common carrier between various points and territories in California as more specifically described in said decision, subject, among other provisions, to the following conditions, to-wit:

"Applicant shall not transport shipments weighing less than 5,000 pounds, or shipments which shall carry a charge lower than that applicable to shipments of not less than 5,000 pounds."

Protestants, Pacific Freight Lines and Pacific Freight Lines Express, by petition for rehearing and modification filed on January 22, 1949, ask, among other things, amendment of the above-quoted condition to read:

"Applicant shall not transport any shipment weighing less than 5,000 pounds, nor any shipment which shall carry a charge lower than that applicable to shipments of not less than 5,000 pounds."

By Reply Brief of January 28, 1949, applicant Fortier Transportation Company concurs in the proposed amendment as hereinbefore worded.

All other competing carriers a party hereto have been notified of the filing of the instant petition. No objection has been offered to the granting of the said amendment.

The instant petition also suggests certain changes relative to paragraph 1(c) of the ordering portion of said decision prohibiting the handling of through traffic between the San Francisco and Los Angeles areas under the said certificate herein or under applicant's existing permits. Other allegations run to the merits of the case, including fitness and ability of the certificated operator and the public interest therein; also what effect a limited weight certificate might have upon general certificated operations.

From a careful review of the entire record and consideration of each of the allegations and statements contained in said petition, it is concluded that no good cause has been shown for the granting of a rehearing. In this instance, it appears that these are matters in which a public hearing is unnecessary, and that only such portion of the instant petition as pertains to the requested amendment of the above-quoted condition, namely, paragraph 1(a) of the order in the aforesaid decision, is justified.

Therefore, good cause appearing,

IT IS ORDERED that the said Decision No. 42405 be, and it is hereby, amended by substituting in lieu of the conditions stated in paragraph 1(a) of the order therein, the following conditions, to-wit:

"Applicant shall not transport any shipment weighing less than 5,000 pounds, nor any shipment which shall carry a charge lower than that applicable to shipments of not less than 5,000 pounds."

In all other respects the aforesaid Decision No. 42405 shall remain in full force and effect.

IT IS FURTHER ORDERED that the said petition for rehear-
ing be and it is hereby denied.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 15th day of
February, 1949.

R. J. [Signature]
Justus J. Craven
Grant Lowell
Harold P. Kils
Kenneth Potter

Commissioners