

ORIGINAL

Decision No. 42934

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
ALFRED F. ANTONI, an individual doing )  
business as ANTONI TRUCK LINES, for a )  
certificate of public convenience and )  
necessity to operate a highway common )  
carrier truck service between all )  
points on its lines and certain points )  
in Lake County. )

Application No. 30409

James E. Busch and Burt W. Busch, for applicant.  
W. A. Gregory, for Southern Pacific Company, Pacific  
Motor Trucking Company, Northwestern Pacific  
Railroad Company, Railway Express Agency, and  
A. M. Akins, protestants.  
Douglas Brookman, for Pacific Greyhound Lines, pro-  
testant.

O P I N I O N

The applicant, Alfred F. Antoni, operating as Antoni Truck Lines, was granted a certificate of public convenience and necessity authorizing highway common carrier service between San Francisco, South San Francisco, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Alameda, Oakland and San Leandro, on the one hand, and, on the other hand, all points north of Healdsburg to and including Laytonville and including also Talmage and Red-wood Valley, and between all such points north of Healdsburg. More briefly expressed, his operating authority extends between San Francisco, South San Francisco and eight East Bay points north of Healdsburg to and including Laytonville, over U. S. Highway 101 between San Francisco and Laytonville.

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(1) Decision No. 41348, on Application No. 27332, dated March 23, 1948.

The instant application seeks an enlargement of the present operating right by the inclusion of points adjacent to Clear Lake in Lake County. (2)

Public hearings were held by Examiner Gannon in Lakeport on October 6 and 31, 1949, and the matter was submitted on briefs.

Applicant has terminal facilities at Ukiah and San Francisco and testified that he had sufficient equipment to handle the proposed operation should a certificate be granted him. He has been engaged in the motor truck transportation business for fifteen years, part of the time as a contract carrier and for approximately two years as a certificated carrier. He testified that he could, and would, supply an overnight service between San Francisco and Clear Lake points. Shipments destined for Lake County would be picked up at San Francisco and loaded into a van going to Lake County. The vans are taken to Ukiah and there coupled to other tractors which haul the loaded vans to their destination with only the one handling and without transfer of their contents. The proposed time schedule on such operation is as follows:

|                   |           |                          |            |
|-------------------|-----------|--------------------------|------------|
| Lv. San Francisco | 7 p.m.    | Ar. Lakeport             | 9:30 a.m.  |
| Ar. Ukiah         | 12 M      |                          |            |
| Lv. Ukiah         | 7 a.m.    | Ar. Clear Lake Highlands | 12:30 p.m. |
| Ar. Blue Lake     | 8 a.m.    | Ar. Clear Lake Oaks      | 2 p.m.     |
| Ar. Upper Lake    | 8:20 a.m. | Ar. Nice                 | 3 p.m.     |

Applicant called sixteen public witnesses who testified generally as to the present service on shipments from San Francisco

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(2) The points proposed to be served include Blue Lake, Upper Lake, Lakeport, Finley, Kelseyville, Lower Lake, Clear Lake Highlands, Clear Lake Oaks, Lucerne, Nice and all points intermediate thereto.

to Lake County points. They dealt in a variety of commodities including tires, batteries, auto parts, hardware, appliances, furniture and building supplies. Their testimony was uniformly to the effect that the service of Pacific Motor Trucking was generally slow and unsatisfactory, requiring on an average of from two to five days. The Division Traffic Manager of Kraft Foods Company testified that his concern shipped approximately 4,000 pounds of food stuffs per month into Lake County points via Antoni's line, with whom they have a contract. For a while they shipped via Pacific Motor Trucking which proved to be unsatisfactory, the time in transit averaging three or four days. Kraft also utilized the service of Hood Trucking Company which was adequate while it lasted, but Hood went out of business in 1948<sup>(3)</sup> and many of his shippers were forced to avail themselves of other carriers, principally Pacific Motor Trucking which at the time, the witnesses testified, was not fulfilling its obligations to the public.

The Transportation Superintendent of Purity Stores testified that his company shipped approximately 50,000 to 60,000 pounds of food stuff per week from San Francisco to Lakeport and Lower Lake. Antoni's service was completely satisfactory, and they do not use Pacific Motor Trucking at all.

The testimony of other applicant witnesses was of a like character. Slowness of shipments in transit, failure to render overnight service, loss of business as a result of inability to

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(3) We will have occasion to advert to the operation of Hood Trucking Company further on in this decision.

render more expeditious service, damage to shipments en route were some of the complaints lodged against Pacific Motor Trucking service.

Protestant's case was built around the testimony of approximately twenty public witnesses, together with service statements of competing carriers. The application was most actively protested by Pacific Motor Trucking. Other protestants of record were Southern Pacific Company, Northwestern Pacific Railroad, A. M. Akins, Pacific Greyhound Lines and Railway Express Company. Pacific Motor Trucking contends that shippers have been receiving excellent service between the points involved in this proceeding, that such service is overnight, that no additional service is required, that the character of business in Lake County is seasonal, that the applicant is not fit, willing or able to conduct the proposed operation if authorized and that the efficiency of the existing carriers would be impaired by the granting of the application. Cross-examination of applicant witnesses failed to shake their testimony in its essential features. Several witnesses stated that loss and damage claims were frequent and that their payment was unduly delayed. Pacific Motor Trucking produced operating witnesses who testified that most of the claims were settled in from 20 to 30 days. Other operating witnesses testified regarding cost studies they had made.

Pacific Motor Trucking service from San Francisco to Lake County points is described in that protestant's Exhibit No. 9 as follows: Freight is picked up daily in San Francisco and loaded into boxes which are sorted out for store delivery. These boxes

are loaded onto Pacific Motor Trucking equipment and taken to San Rafael. The last Pacific Motor Trucking shipment which handles Lake County freight leaves the San Francisco depot at 6:05 p.m. daily. These boxes of freight are loaded in box cars at San Rafael and placed on a Northwestern Pacific train leaving San Rafael that night at 8 p.m. This arrives at Ukiah at 12:16 a.m. the next morning where the Ukiah car is set out and loaded into Pacific Motor Trucking trucks, leaving Ukiah at 7:30 a.m. daily for Clear Lake points. At 8 a.m. a driver with a tractor leaves Finley and picks up the freight brought from Ukiah. The driver picks up the trailer loaded with Lake County traffic and returns to Lakeport where he commences deliveries.

A service statement was offered by protestants indicating that Akins operates between Calistoga, on the one hand, and Lower Lake, Clear Lake Highlands and Clear Lake Oaks, on the other hand, three times per week, other days of the week the service being "on call". A shipment leaving Calistoga at 3 p.m. would arrive at Lower Lake at 2 p.m. the following day. The service of Akins was characterized by one witness as "not very good", and as "very poor" by another. Shipments offered on a Saturday will not be picked up until Monday. Still another statement was offered by Southern Pacific, Northwestern Pacific, Pacific Greyhound Lines and Railway Express Agency showing service of those carriers between the San Francisco area and Lake County points, the purpose presumably being to show the frequency, adequacy and cost of such service.

Reference has been made above to the Hood Trucking Company as it might affect the application with which we are here concerned.

For this reason we deem it advisable to consider briefly the essential facts in connection therewith.

Hood Trucking Company, a corporation, filed an application on April 15, 1946, for authority to transport general commodities between San Francisco, South San Francisco, Oakland, Alameda, Emeryville, Albany, Berkeley, El Cerrito and Richmond, on the one hand, and Blue Lake and Middletown and all points intermediate thereto, located along California State Highways 80, 29 and 53, including some ten points located around Clear Lake, on the other hand.

Extended hearings consuming six days were held at Lakeport. The application was vigorously protested by Northwestern Pacific Railroad, Pacific Motor Trucking, Southern Pacific Company, Resort Freight Lines and A. M. Akins. With the exception of Resort Freight Lines, all of these carriers appear as protestants in the instant application.

In support of the authority sought, approximately 50 witnesses testified, representing merchants, builders, contractors, plumbing supply dealers and others. They expressed the need for a more rapid service and stated that the time consumed in transit by existing carriers was from one day to one week. Further than that, there were numerous complaints expressed by shippers of loss and damage to shipments. Some of the witnesses had been using the Antoni service on a contract basis. Many expressed preference for a single through truck service, from origin to destination, without transfer en route. Operating witnesses testified that, at Ukiah, traffic destined to Lake County points is transferred to Pacific Motor Trucking for first morning delivery to Lake County points.

Approximately 25 public witnesses testified regarding service received by them at points on the Lake through the facilities of Pacific Motor Trucking and its connecting carriers.

The record showed that a considerable portion of the shipments by existing carriers required more than two days' time in transit.

Based upon the foregoing facts, which were amply supported in the record, the Commission found that the showing made by applicant Hood was sufficient to justify the granting of a certificate as prayed for, and that the establishment of Hood's proposed service would not materially affect the business of existing carriers. The decision became effective April 20, 1947. Petition for rehearing was denied. Subsequently, the Commission was advised that Hood had abandoned all service without authority of the Commission. Accordingly, the operative right, granted by Decision No. 40103, was revoked and tariffs cancelled and annulled (Decision No. 42024).

We have dwelt at some length on the Hood case because of the close analogy which it presents to the Antoni application. For some reason which is not disclosed by the record, Hood, whose service started out auspiciously, chose to abandon that service. The Commission having sanctioned the Hood operations on the basis of a voluminous record, cannot now consistently declare that the need for the service expired with the default of the owner and operator of the service. The record clearly establishes that the necessity for the type of service offered by Hood still exists. It is probably true that Pacific Motor Trucking service improved

somewhat during the 21 months that Hood was in business, but such improvement was not sufficient to offset the complaints. The method of handling the shipments has not materially changed and overnight service is not a regular established practice. It is clear from a review of the record herein that under applicant's proposal receivers of freight at Lake County points would have most of their shipments delivered the following day, and that loss and damage claims would be materially reduced.

We find from the evidence of record in this proceeding that a definite demand exists for the service proposed; that the applicant is fully capable of rendering such service, with respect both to his experience and financial ability; that the testimony of shipper-witnesses strongly supports the application. As a result of these conclusions the application will be granted.

#### O R D E R

Application as above entitled having been filed, public hearing having been held thereon, the matter having been submitted, the Commission being fully advised and hereby finding that public convenience and necessity so require,

#### IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Alfred F. Antoni, authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of property between all points served by applicant's present certificate, on the one hand, and, on the other hand, the following points in Lake County: Blue Lake, Upper Lake, Lakeport,

Finley, Kelseyville, Lower Lake, Clear Lake Highlands, Clear Lake Oaks, Lucerne, Nice, and all points intermediate thereto, as an extension and enlargement of its existing operative rights.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- a. Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- b. Within sixty (60) days after the effective date hereof, and upon not less than five (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, tariffs and time schedules satisfactory to the Commission.
- c. Subject to the authority of this Commission to change or modify such at any time, applicant shall conduct operation over and along the following routes:

Over State Highway No. 20 between its junction point south of Calpella and U. S. Highway No. 101 and Upper Lake.

Over State Highway No. 29 between Upper Lake and Kelseyville.

Over State Highway No. 29 and unnumbered County Highway and State Highway No. 53 between Kelseyville and the junction of State Highway No. 53 and State Highway No. 20.

Over State Highway No. 20 between the junction of State Highway No. 53 and State Highway No. 20 and Upper Lake.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of March, 1950.

J. J. [Signature]  
Justice J. Galloway  
David P. [Signature]  
[Signature]  
 COMMISSIONERS