

ORIGINALDecision No. 44230

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PACIFIC FREIGHT LINES, a California)
 corporation, for an extension of its)
 certificate of public convenience and) Application No. 31037
 necessity for the transportation of) as amended
 property by motor truck to include)
 service to and from points herein set)
 forth.)

Donald Murchison for applicant; Kenneth G. Fitzgerald
 for Santa Ynez Valley Freight Line, protestant.

O P I N I O N

The applicant seeks authority to extend its operations by establishing a service as a common carrier of property (a) along U. S. Highway 101 between Santa Barbara and Buellton, along State Highway 150 between Buellton and Santa Barbara, and along unnumbered highways between Solvang, Los Olivos, and Santa Ynez, serving, in each case, all intermediate points; (b) along State Highway 27 (Topango Canyon) between its intersection with U. S. Highway 101 and its intersection with Alternate U. S. Highway 101, serving all intermediate points; (c) between all points within a radius of five miles of each point on each route to which it requests authority to extend service; and (d) to extend such service to all places on its existing certificates⁽¹⁾.

(1) For extent of applicant's existing authority, see Exhibit No. 2 listing decisions.

The applicant also asks that the Commission, if it grant authority to applicant to extend its service, authorize departure from the provisions of Section 24(a) of the Public Utilities Act.

Public hearings upon the proceedings herein under consideration were held before Examiner Rogers, in Santa Barbara, on April 19, 1950, and in Los Angeles, on April 20, 1950, at which times and places evidence was adduced. The matter is now ready for decision.

Applicant is a highway common carrier operating between various places in California, proposes a daily service to the above points, has ample equipment to provide such service⁽²⁾, and has adequate resources to acquire additional equipment, if needed⁽³⁾.

The application, in so far as it concerned operation between Santa Barbara and Buellton on U. S. Highway 101, operation on Highway 150 between Buellton and Santa Ynez, and operation on unnumbered highways between Solvang, Los Olivos, and Santa Ynez, was opposed by Santa Ynez Valley Freight Lines. In addition, Pacific Motor Trucking Company has indicated a desire to oppose the granting of any additional rights to applicant along Highway 101 between Santa Barbara and Gaviota. This carrier received no copy of the application or amended application until April 14, 1950, no notice of hearing, and was not represented thereat⁽⁴⁾.

The protestant, Santa Ynez Valley Freight Line, operates an efficient one-day service for the hauling of general commodities

(2) Exhibit No. 8

(3) Exhibit No. 6

(4) The Pacific Motor Trucking Company requested that the matter be reopened but, in view of the decision herein, it is not deemed necessary to grant such request.

from Santa Barbara to Buellton, on Highway 101, and between Buellton, Solvang, Los Olivos, and Santa Ynez, on Highway 150 and unnumbered highways. On the reverse of the route, the service is pickup one day and delivery in Santa Barbara and intermediate points the following day. The main product hauled by protestant from Buellton to Santa Barbara is milk in cans. On the return from Santa Barbara to Buellton and other points served, protestant hauls empty milk cans and general commodities. The total of all merchandise, other than milk, including merchandise transshipped from applicant's trucks at Buellton, is approximately one ton per day. Applicant submitted no evidence relative to the amount of traffic carried by it or any other carrier over the routes and to the points served by protestant. Protestant has ample equipment to handle all traffic tendered to it for carriage in and between the points it is authorized to serve.

Interested shippers, called as witnesses by the applicant, stated that protestant was rendering a satisfactory service and that they would continue to use protestant's services in and between all points which it served. The only objection any shipper had was relative to shipments originating east of Santa Barbara and north of Buellton, on U. S. Highway 101, and destined for points on Highway 150 or the said unnumbered highways and within protestant's service area. Protestant and applicant do not have combination rates, as a result of which a higher rate is charged for transshipped merchandise.

Protestant does not serve on Highway 150 east of Santa Ynez and west of Santa Barbara. The Cachuma Dam is now being

constructed near Highway 150, about midway between Santa Ynez and Santa Barbara. The engineer for the project testified that the dam will be under construction for about three and one-half years, and that a daily dependable carrier service is desired during construction of the dam and thereafter. At present there is no highway common carrier service to the dam site. Several shippers, shipping from points along U.S. Highway 101, testified that they now ship, or contemplate shipping, supplies and materials to the dam and requested a common carrier service to handle their shipments. There was no opposition to applicant's request to serve along Highway 150 between Santa Barbara and Cachuma Dam site. Because of the weight of the contemplated shipments and the steep, winding condition of Highway 150 east of the Cachuma Dam site, it will be necessary to bring heavy shipments to the dam from Santa Barbara via Highway 101 to Buellton and thence proceed via Highway 150 to the dam site. The empties will be able to return to Santa Barbara via Highway 150.

Five witnesses testified that they needed and desired the service proposed by applicant along highway 27 between its intersection with Alternate U.S. Highway 101 and its intersection with U.S. Highway 101. There was no opposition to the granting of this extension.

Upon careful consideration of the full record in this matter, we find that public convenience and necessity require that the application for certificates be granted as hereinafter limited. However, the extent of the relief from the provisions of Section 24(a), or the justification therefor, is not clearly shown in so

far as the application concerns operation over highway 27, and the request for such relief was withdrawn as to the other points embraced in the application; therefore, the request for such relief will be denied without prejudice. There was no showing that public convenience and necessity require the granting of authority to applicant to serve within a five-mile radius of any points to or from which a certificate is requested and, in the absence of such showing, such authority will be denied without prejudice.

O R D E R

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

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Pacific Freight Lines, 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, (a) for the transportation of property between Santa Barbara and Cachuma Dam site, and intermediate points, over and along State Highway 150 and (b) between Santa Barbara and Cachuma Dam site via U.S. Highway 101 to Buellton and State Highway 150 between Buellton and Cachuma Dam site, subject to the following condition:

Applicant shall use the route between Santa Barbara and Cachuma Dam via U.S. Highway 101 and State Highway 150 only for the transportation of property having origin or destination at Cachuma Dam site.

(2) That a certificate of public convenience and necessity be, and it hereby is, granted to Pacific Freight Lines, 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, for the transportation of property between Alternate U. S. Highway 101 and U. S. Highway 101, and intermediate points, over and along State Highway 27.

The certificates granted herein in paragraph (1) and paragraph (2) are granted as extensions and enlargements of, and consolidated with, other highway common carrier rights held by Pacific Freight Lines, a corporation.

(3) That in providing service pursuant to the certificates granted in paragraphs (1) and (2) hereof, Pacific Freight Lines, a corporation, shall comply with and observe 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.

In all other respects the application is denied.

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

Dated at San Francisco, California, this 23rd day of May, 1950.

R. E. Friedman
Justice J. C. Quinn
Robert F. Farrell
Harold P. Hills

COMMISSIONERS

Commissioner Kenneth Pottor, being necessarily absent, did not participate in the disposition of this proceeding.