

Decision No. 44982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WESTERN TRANSPORT CO.,)

a copartnership, for a certificate)
of public convenience and necessity)
as a highway common carrier between)
Santa Clara Valley territory, in-)
cluding San Jose, on the one hand,)
and Los Angeles territory, on the)
other hand.)

ORIGINAL

Application No. 27301

Scott Elder for applicant.

SUPPLEMENTAL OPINION

A. D. Wooley and R. E. Woolley, hereinafter called applicants, by Decision No. 43003, dated June 14, 1949, were granted a certificate of public convenience and necessity authorizing operations as a highway common carrier between the Santa Clara Valley territory and the Los Angeles territory. The certificate authorized the transportation of general commodities, excluding commodities injurious or contaminating to other lading, commodities requiring special equipment other than refrigeration, articles weighing in excess of 4,000 pounds, or the dimensions of which exceed 5 feet high, 5 feet wide or 20 feet long, and cut flowers. Applicants, by petition filed August 21, 1950, seek an order removing the restriction against the transportation of such commodities.

A public hearing was held on October 24, 1950, at San Francisco, before Examiner Silverhart. No protests to the granting of the petition were received.

R. E. Wooley, one of the applicants, testified that it was, and now is, applicants' desire to transport such excluded commodities; that during the pendency of the proceedings which culminated in Decision No. 43003 they caused the Commission to be informed that applicants proposed to carry such commodities subject to the right to refuse shipments thereof; that he was unaware that Decision No. 43003 contained such restriction until his attention was directed thereto during the course of a hearing before the Commission in connection with another matter some three or four months ago.

The witness stated that since the institution of service pursuant to Decision No. 43003 he has received numerous requests to transport articles weighing more than 4,000 pounds, or more than 20 feet long; cheeses, meats (livers, kidneys), fresh fish, insecticides, and other commodities which could be injurious or contaminating to other lading; heavy machinery requiring special equipment, and cut flowers; and that applicants have accepted and transported such commodities daily.

The record indicates that applicants possess the equipment and facilities necessary to properly and adequately handle such articles.

The evidence demonstrates that authority to transport the commodities hereinabove named was excluded from the certificate as a result of applicants' failure to clearly define the scope of the proposed service.

In view of all of the facts and circumstances of record, the Commission is of the opinion and finds that public convenience and necessity require that the operating authority heretofore

granted to applicants be modified to the extent set forth in the ensuing order:

SUPPLEMENTAL ORDER

Applicants having sought a modification of the decision previously rendered herein, a public hearing having been had, and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

That subparagraph (i), paragraph (1) of the order contained in Decision No. 43003, dated June 14, 1949, is hereby amended by striking therefrom the following exceptions:

- (5) Commodities injurious or contaminating to other lading;
- (7) Commodities requiring special equipment other than refrigeration;
- (8) Articles weighing in excess of 4,000 pounds or the dimensions of which exceed 5 feet high, 5 feet wide, or 20 feet long;
- (9) Cut flowers.

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

Dated at San Francisco, California, this 8th day of November, 1950.

A. T. Inman
Arthur J. Haller
James H. Powell
Harold P. Hule
Herbert P. Potter
Commissioners