

Decision No. 45094

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LESTER J. GEIJSBEEK and JOHN H.)
 GEIJSBEEK, a co-partnership, doing)
 business as GEIJSBEEK TRUCKERS, for)
 a certificate of public convenience)
 and necessity to operate as a highway)
 common carrier for the transportation)
 of lumber and other forest products.)

ORIGINAL

Application

No. 31682

APPEARANCESMarouam C. George for applicants.

Marvin Handler for Frank C. Winans and
 Grant A. Winans, doing business as
 Winans Brothers; and Donald H. Hawkey
 doing business as Hawkey Lumber
 Transportation; and Milton W. Zamboni
 for Milton W. Zamboni, William D.
 Lightfoot and Jack E. Shaver, doing
 business as ZLS Trucking, protestants.

O P I N I O N

The applicants in this proceeding seek a certificate of public convenience and necessity authorizing them to extend their operations as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of lumber and forest products generally between points and places in California to the north, east and south of the routes in north central California presently served by them, ⁽¹⁾ the details of which are set forth in full in the application.

A request is also made for authority to serve between points located within 20 miles laterally of the routes for which authority is sought subject to certain restrictions. Because of the characteristics of lumber hauling applicants propose an "on call" service as distinguished from a scheduled service.

(1) Applicants are authorized to operate generally between Viola, Shasta County, and San Francisco. (Decision No. 43427, Ap. No. 30123 dated October 18, 1949)

A public hearing was held before Examiner R. K. Hunter at Corning on November 21, 1950, at which time the application was submitted.

During the hearing the application was amended by changing subparagraph (d) of paragraph III thereof to read,

"Between Redding and Alturas via U. S. Highway 299 for operating convenience only,"

and by adding to said paragraph III of the application a subparagraph (t) reading as follows:

"No service will be performed to or from any point on U. S. Highway 99, or laterally therefrom, between Weed and Anderson but not including Anderson."

At the beginning of the hearing those shown in the headnote under "Appearances" entered appearances as protestants, but following the amendments set forth in the preceding paragraph, all protestants withdrew their appearances as protestants and left the hearing.

The applicants presently hold a highway common carrier certificate by virtue of Decision No. 43427 dated October 18, 1949, granted in Application No. 30123, authorizing service as a highway common carrier between Viola and Anderson on the north and Sacramento and the San Francisco-Oakland Bay Area on the south, all as more particularly set forth in said Decision No. 43427.

The applicants introduced an exhibit (Exhibit No. 1) showing that during the first 10 months of 1950 they have been transporting as a permitted carrier a substantial number of truckload shipments of lumber and forest products between the points and places and over routes for which highway common carrier authority is sought in the present application.

Public witnesses testified that they are shipping truck-loads of lumber and forest products from their sources of supply in northern California to the points and places and over the routes for which authority is sought by the applicants. They also testified that in many instances the lumber is shipped to points located substantial distances off the main routes named in the application, in some instances going to residential building projects and other construction jobs. All of the public witnesses testified that the proposed highway common carrier services of the applicant were necessary and would be convenient to them in the handling and distribution of their products, and further, that they would use such services if established.

The evidence shows that the applicants have had extensive experience in this type of operation and have been rendering satisfactory services.

An exhibit (Exhibit No. 3) and testimony introduced by the applicants indicate that they have adequate equipment and are in a satisfactory financial condition.

The applicants testified that the rates which would be assessed for the proposed service are generally those established by this Commission as minimum rates and charges, except that in certain instances it would be necessary to establish rates competitive with those presently charged by the railroads.

The applicants also propose to limit their service to the transportation of shipments of not less than 20,000 pounds or shipments which will carry a charge no lower than that applicable to shipments of not less than 20,000 pounds.

It is also requested that since violations might otherwise occur by reason of the establishment of certain rail competitive rates that they be permitted to depart, in the publication of tariffs on any authority that may be granted herein, from the long and short haul provisions of Section 24(a) of the Public Utilities Act and the provisions of Article XII, Section 21, of the Constitution of the State of California.

It is our conclusion after carefully considering the testimony and evidence submitted in this proceeding, and we so find, that public convenience and necessity require the granting of the application herein for authority to operate as a highway common carrier for the transportation of lumber and forest products to the extent set forth in the order.

O R D E R

Application as above entitled having been filed, a public hearing having been held, and based on the conclusions and findings set forth in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity authorizing operation as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, is hereby granted to Lester J. Geijsbeck and John H. Geijsbeck, for the transportation of lumber and forest products as defined in Highway Carrier's Tariff No. 2, and corrections or re-issues thereof, between the points and over the routes hereinafter specified, subject to the restrictions set forth:

- (a) Between the California-Oregon state line and the California-Mexican border via U. S. Highways 99 and 99-E;
- (b) Between Willits and the California-Mexican border via U. S. Highways 101, 101 By-pass and 101 Alternate;
- (c) Between Weed and the California-Oregon state line via U. S. Highway 97;
- (d) Between Redding and Alturas via U. S. Highway 299 for operating convenience only;
- (e) Between the California-Oregon state line and Johnstonville via U. S. Highway 395;
- (f) Between Red Bluff and Johnstonville via State Highway 36;
- (g) Between Marysville and the junction of State Highways 36 and 89 via State Highways 24 and 89;
- (h) Between Sacramento and the California-Nevada state line via U. S. Highway 40;
- (i) Between San Francisco and the California-Nevada state line via U. S. Highway 50;
- (j) Between junction of U. S. Highway 101 and State Highway 20; and Williams via State Highway 20;
- (k) Between Oakland and San Jose via State Highway No. 17;
- (l) Between U. S. Highway 50, at its junction with State Highway 33, three miles easterly of Tracy, and U. S. Highway 99 via State Highway 33 to Mendota, an unnumbered county road to State Highway 198 near Oilfields, State Highway 198 to Coalinga, State Highway 33 to Taft, U. S. Highway 399 to Maricopa and State Highway 166 to U. S. Highway 99;
- (m) Between Gilroy and Califa, via State Highway 152;
- (n) Between Bakersfield and Barstow via U. S. Highway 466;
- (o) Between Barstow and Los Angeles via U. S. Highway 66;
- (p) Between U. S. Highway 466 and San Bernardino via U. S. Highway 395;
- (q) With the right to serve points adjacent to the above routes, located within twenty (20) miles laterally thereof; and

- (r) Between intermediate points;
- (s) Subject to the following restrictions:
 - (1) No local service will be performed between points south of Woodland.
 - (2) No service will be performed to or from any points on U. S. Highway 99 or laterally therefrom, between Weed and Anderson but not including Anderson.

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

- (a) Applicants shall file a written acceptance of the certificate herein granted within not to exceed thirty (30) days after the effective date hereof.
- (b) Applicants shall, within ninety (90) days after the effective date of this order and upon not less than five (5) days' notice to the Commission and to the public, establish the service herein authorized and comply with the provisions of General Orders Nos. 30 and 93-A (Part IV), by filing, in triplicate and concurrently making effective, tariffs and time schedules satisfactory to the Commission.

(3) That in publishing their proposed rates applicants herein are hereby authorized to depart from the provisions of Section 24(a) of the Public Utilities Act, and Article XII, Section 21, of the Constitution of the State of California, to the extent

necessary to meet rail competitive rates, between points served by rail, and to establish rates based upon the shortest constructive mileage established by the Commission.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 5th day of December, 1950.

[Signature]
JUSTUS J. CACCIEN
[Signature]
Harold P. Kild
[Signature]