

**ORIGINAL**Decision No. 45097

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission investigation into the )  
 operations and practices of HILLS ) Case No. 5145  
 TRANSPORTATION CO., a corporation. )

Willard S. Johnson, for respondent.  
W. Wallace Wilhite, for Pacific Southwest Railroad Association,  
 interested party.  
Boris H. Lakusta, for Field Division.

O P I N I O N

This proceeding was instituted upon the Commission's own motion to determine whether Hills Transportation Co., hereinafter called respondent, has operated since June 20, 1949, as a highway common carrier without having obtained a certificate of public convenience and necessity or having possessed a prior right so to operate as required by Section 50-3/4 of the Public Utilities Act.

A public hearing was held on Wednesday, May 3, 1950, at San Francisco before Examiner Silverhart, and the matter submitted for decision.

It was stipulated that respondent possesses city, highway contract and radial highway common carrier permits, and also a certificate of public convenience and necessity to operate as a highway common carrier between San Francisco territory and Los Angeles territory (Item 270-A, Highway Carriers' Tariff No.2); that its principal office is in San Francisco; that since 1947 it has owned, controlled, operated or managed one or more auto trucks used in the business of transportation of property for compensation over public highways in California.

An employee of the Commission's field division testified that he examined the records of Hills Transportation Co. for the period December 5, to December 16, 1949;<sup>(1)</sup> that there were 800 freight bills involving respondent's certificated operations and a number of shipping documents concerning its noncertificated operations. The witness prepared an exhibit, based on such examination, setting forth all noncertificated operations conducted by respondent during the period surveyed. This exhibit<sup>(2)</sup> disclosed that respondent transported eight different commodities in the manner following.

December 5, 1949, To December 16, 1949, Inclusive

From	To	Number of <u>days served</u>	Number of <u>shipments</u>
San Francisco	San Diego	2	3
	Point Hueneme	1	2
Mar> Island	San Diego	1	1
Southgate	Fresno	1	1
	Sacramento	1	1
Buena Park	San Francisco	1	2
	Oakland	1	1
Los Angeles	Pittsburg	1	1
	Oleum	1	1
	Ukiah	1	1
	TOTAL	<u>11</u>	<u>14</u>

It thus appears that between December 5 and December 16, inclusive, there were five points of origin; that of the nine destination points, one was served but two days, the remainder only one day each; further, one destination point received three shipments, two points, two each and the rest one each.

It was stipulated that respondent utilized the same personnel, trucks and other equipment for both its certificated and noncertificated operations.

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(1) The witness testified that December 5 to December 16 was selected as being a representative period.

(2) Exhibit No. 2.

Respondent did not testify nor present any evidence in its own behalf.

The record demonstrates and we hereby find the respondent has not operated herein as a highway common carrier. An order discontinuing the investigation will be made.

ORDER

A public hearing having been held on the above-entitled matter and based upon the evidence adduced and the conclusions and findings set forth in the opinion,

IT IS ORDERED that the investigation herein concerning Hills Transportation Co. be and it is hereby discontinued.

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

Dated at San Francisco, California, this 5<sup>th</sup> day of December, 1950.

R. F. Johnson  
James J. Calver  
Charles F. Lowell  
Harold P. Potter  
 COMMISSIONERS