

ORIGINALDecision No. 45103

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FOWLES TRUCKING SERVICE, a partner-)
 ship, for a certificate of public)
 convenience and necessity to operate)
 an automotive service by motor truck)
 for the transportation of uncrated)
 gas ranges and heaters as a highway)
 common carrier, between the California-)
 Mexico border, near San Ysidro, Cali-)
 fornia, Calexico, California, the)
 Arizona-California border near Winter-)
 haven, California, on the one hand, and)
 the Oregon-California and Nevada-)
 California state lines, on the other)
 hand, and points and places intermediate)
 thereto and in the vicinity thereof.)

Application No. 31498

DeWitt Morgan Manning for applicant. Donald Murchison
 for Pacific Freight Lines and Pacific Freight Lines Express;
Frederick G. Pfrommer for The Atchison, Topeka, and Santa Fe
 Railway Company and Santa Fe Transportation Company; Laird M.
Hail for Southern California Freight Lines and Southern California
 Freight Forwarders; John H. Gordon for Pacific Electric Railway
 Company and Pacific Motor Trucking Company, protestants.

O P I N I O N

Fowles Trucking Service is a partnership now engaged
 in the business of transporting uncrated new gas ranges. It holds
 permits authorizing it to operate as a radial highway common car-
 rier, contract carrier, and city carrier⁽¹⁾. It seeks authority
 to transport uncrated new gas ranges only, as a highway common
 carrier, throughout the State of California.

(1) Applicant also has I.C.C. authority to transport uncrated
 new gas ranges, over irregular routes, from points and places
 in Los Angeles County to points and places in Arizona, New
 Mexico, Colorado, Utah, and Clark County, Nevada.

A public hearing was held at Los Angeles on October 4 and 5, 1950. Evidence, oral and documentary, having been adduced, the matter was submitted for decision.

The evidence shows that applicant's principal place of business and terminal are located at Glendale, California, where it maintains its office and a yard for parking and repairing its motor equipment. A secondary terminal for the storage of stoves and parking of motor vehicles is located at Irvington, California. Sixteen persons are employed, twelve drivers, two office employees, one mechanic, and a helper. Applicant has eighteen pieces of trucking equipment consisting of five tractors, four trailers, and nine pickup and delivery trucks. Some equipment is used in both intrastate and interstate service. Four passenger automobiles are at times used in the business.

Applicant's financial condition as of August 31, 1950, was as follows: tangible assets, \$123,614.16, liabilities, \$61,025.74; net worth, \$62,588.42. Net profit for the period of January 1, 1950 to August 31, 1950, was \$18,377.92 (Exhibit No. 10). Intrastate and interstate items were not segregated.

Applicant's trailers and trucks are specially constructed so as to facilitate the loading, unloading, and transporting of gas stoves. Some unusual features are, two decks, plywood lining, smooth floors, and hydraulic lifts. Line-haul trailers have a capacity of approximately 60 stoves, and trucks, used locally, carry from 14 to 36 stoves.

Applicant proposes an "on call" service. Applicant's entire present operations consist of the transportation of new gas ranges for three companies, namely, Gaffers and Sattler and its

wholly owned affiliate, Occidental Stove Company, both located at
the same address in Vernon, California, ⁽²⁾ and Western Stove Company
of Culver City. Shipments are now made from Vernon and Culver City
to practically all points and places in the State of California
(Exhibits Nos. 3,4,6,7,8, & 9).

Applicant has no written contracts with the said companies.
The business relationship is based upon a verbal understanding
supported only by applicant's ability to perform a satisfactory and
specialized transportation service.

Approximately 700 stoves per week are transported. Ninety-
five per cent of the shipments are in truck loads. Only a very
small percentage is transported interstate. Applicant transports
practically all of the Gaffers and Sattler and Occidental output
and approximately 35% of the output of Western Stove Company.
Practically all shipments are from factory to retail stores except
those to northern California points (north of King City and Madera)
which are also handled from Irvington, California, where warehouse or
storage facilities are maintained. Applicant uses three trucks for
the shipments out of Irvington. The other trucks are used from
Culver City and Vernon for deliveries to Irvington, southern Cali-
fornia points, and occasional truck-load deliveries direct to north-
ern California cities.

Three of the partners gave evidence of applicant's past,
present, and proposed operations. Applicant wants to continue its
present operations but as a highway common carrier. The reason was
not made clear at the hearing. One partner stated that the business

(2) Gaffers and Sattler and Occidental Stove Company may be considered
as one company as both are owned and controlled by the Utility
Appliance Corporation.

would be more "permanent" and that rates would become "set" or "stabilized" at a compensatory level.

Permanency of business depends on shipper patronage. There is no evidence that other gas stove manufacturers need or would use applicant's proposed service.

Only three companies are interested in the manner in which applicant performs its transportation service. Their representatives testified that they would like to see this application granted, but would continue to hire applicant so long as its service remained satisfactory. It does not appear from the evidence that said shippers either need applicant's proposed service as a highway common carrier or that such service would be any better or more convenient for them than that which they are now receiving.

Protestants did not offer evidence.

We have carefully considered the entire record in this proceeding and we are unable to find that public convenience and necessity require applicant's proposed highway common carrier service. Therefore, the application will be denied.

O R D E R

A public hearing having been held in the above-entitled matter, the Commission being fully advised in the premises, and being unable to find that public convenience and necessity require applicant's proposed operation as a highway common carrier,

IT IS ORDERED that Application No. 31498 be, and it hereby is, denied.

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

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

R. E. [unclear]
Justin J. [unclear]
Irving [unclear]
Harold [unclear]
Kenneth [unclear]
COMMISSIONERS