

ORIGINAL

Decision No. 45330

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
D. A. MITCHELL and G. V. CLARK, co-)	
partners, doing business as RISKE)	Application No. 31657
TRUCKING CO., for a certificate of)	
public convenience and necessity)	
to extend its service.)	

Frank Loughran, for applicant.

O P I N I O N

D. A. Mitchell and G. V. Clark are copartners doing business under the name of Riske Trucking Co. In this application they request a certificate of public convenience and necessity authorizing operation as a highway common carrier for the transportation of general commodities, except articles of extraordinary value, uncrated household goods and petroleum products in bulk in tank trucks, between the Campbell Soup Company plant, located on Franklin Boulevard approximately one mile from Sacramento, on the one hand, and Sacramento, North Sacramento and West Sacramento, on the other hand.

A public hearing was held by Examiner Gannon at San Francisco on January 10, 1951, and the matter was submitted.

Applicants are experienced in the truck transportation business and operate a large fleet of motor trucks engaged principally in transporting property in truckload lots. They hold a certificate from this Commission authorizing the transportation of truckload shipments as highway common carriers, and serve the Campbell Soup Company as truckload carriers moving traffic from its plant to many points on the certificated routes.

The Campbell plant is located approximately one mile from the Sacramento City limits on one of the highways which applicants are now authorized to serve as a certificated carrier of truckload traffic. Applicants have served the plant ever since it was built, which was some three years ago. In serving them they transport truckload traffic to many certificated points, and also less truckload traffic between Sacramento, North Sacramento and West Sacramento. The service between the last named points is conducted under authority of a contract carrier permit. Since the issuance of the certificate some confusion has resulted because of this dual operation. Applicants and shippers both testified that it would be more convenient to have all traffic, truckload and less truckload, move under certificate at the tariff rates of the carrier.

The traffic manager of Campbell Soup Company testified that its supplies are obtained principally from Sacramento, North Sacramento and West Sacramento, and that there is a constant movement of less truckload traffic between the plant and those cities. This traffic consists of commodities of all types and classes which would be used or useful in connection with the operation of the plant. The witness described the commodities included and clearly indicated the need for general commodity authority.

The Campbell Soup Company plant at Sacramento is one of the largest operated by that company. The plant facilities cover fifteen acres and some 1,200 people are employed the year round. The plant is operated 24 hours a day, seven days a week. The traffic manager of the Campbell plant testified that it required this kind of service for the transportation of both its truckload

and less truckload traffic.

It is clear from the record in this proceeding that public convenience and necessity require the authorization of the proposed service, and the application will accordingly be granted. There was no protest against the granting of the application.

Relief from the long and short haul provisions of Section 21 of Article XII of the State Constitution and of Section 24(a) of the Public Utilities Act is sought in connection with the establishment of rates for the proposed service. Assertedly, the sought relief is desired in order that traffic may be transported, for operating convenience and economy, by routes other than the shortest or rate-making routes. It has not been shown, however, that the sought relief is necessary under such circumstances. Moreover, the nature and extent of the desired relief as applied to any particular situation is not disclosed. The necessity or justification therefor has not been made to appear. The request will be denied.

O R D E R

Application having been made as above entitled, public hearing having been had, the matter having been duly 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 is hereby granted to D. A. Mitchell and G. V. Clark authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4 of the Public

Utilities Act, for the transportation of general commodities, except articles of extraordinary value, uncrated household goods and petroleum products in bulk in tank trucks, between the Campbell Soup Company plant on Franklin Boulevard approximately one mile from Sacramento, on the one hand, and Sacramento, North Sacramento and West Sacramento, on the other hand.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- a. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days after the effective date hereof.
- b. Within 60 days after the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicants 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, appropriate tariffs and time tables.

(3) That applicants' request for relief from the long and short haul provisions of Section 21 of Article XII of the State Constitution and of Section 24(a) of the Public Utilities Act is hereby denied.

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

Dated at San Francisco, California, this 6th day of February, 1951.

R. Z. Anderson
Arthur J. Collier
Harold Hale
Frederick Lott
J. E. Hill
COMMISSIONERS