

Decision No. 45332

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
M. A. GILARDY, an individual, doing  
business as G & H MOTOR EXPRESS, for  
a certificate of public convenience  
and necessity to transport property,  
as a common carrier for compensation,  
over the public highways between  
Sacramento and Redding and inter-  
mediate points.

Application No. 29251

In the Matter of the Application of  
R. E. FORD, doing business as PACIFIC  
TRANSFER COMPANY, for a certificate of  
public convenience and necessity as a  
highway common carrier between Sacramento  
and Redding and intermediate points.

Application No. 29308

In the Matter of the Application of  
OREGON NEVADA CALIFORNIA FAST FREIGHT,  
INC., a corporation, for a certificate to  
operate as a highway common carrier for  
the transportation of property between  
described points over defined routes.

Application No. 29477

### OPINION ON FURTHER HEARING

The Commission, by its order dated August 9, 1949, reopened the proceedings herein insofar as Decision No. 43106, dated July 6, 1949, is applicable to Oregon Nevada California Fast Freight, Inc., hereinafter referred to as applicant.

A hearing was held before Commissioner Rowell at San Francisco on September 15, 1949, and the matter submitted for decision.

Applicant requests the Commission to amend Decision No. 43106 upon the following grounds:

- (1) That said decision failed to dispose of that portion of its application wherein it sought permission to establish service between Richmond, South San Francisco, Albany and El Cerrito, on the one hand, and all points and places presently served by it, except San Francisco Bay points, on the other hand.
- (2) That the Commission's conclusion at page 15 of said decision, "Should Oregon Nevada California (1) Fast Freight, Inc., be authorized to serve the area as requested it would, at best, prove a convenience to applicant by freeing it from the alleged confusion between interstate and intrastate shipments", was based upon an erroneous application of the evidence.
- (3) That the evidence warranted granting it a certificate of public convenience and necessity enabling it to render service between Sacramento and Redding, including all intermediate points between Red Bluff and Redding.

The first ground advanced by applicant is well taken.

The decision does not contain a disposition of such portion of the application. The record discloses and we hereby find that public convenience and necessity require that paragraph (a) of Application No. 29477, as amended, be granted only to the extent set forth in the ensuing order.

The second ground presented by applicant has merit. Applicant points out that its president, in giving testimony on October 21, 1948, stated that the confusion in distinguishing between interstate and intrastate shipments was encountered in conducting interstate operations in the cities of Richmond, South San Francisco, Albany and El Cerrito. Further, applicant contends that this testimony was confined exclusively to such four cities. This contention is borne out by the record, which discloses that applicant

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(1) The word "area" here refers to the Sacramento-Red Bluff-Redding area, as will appear from a reading of the context wherein it is used.

did not obtain interstate authority between Sacramento and Red Bluff and Redding until August 5, 1949. It would appear, therefore, that the conclusion complained of is not supported by the evidence of record.

In considering the third ground put forward by applicant, the record has been carefully examined. However, no practical purpose would be served in here attempting to review all the evidence. It is sufficient to say that the record indicates that a substantial number of public witnesses desire and would use, and that there is a need for, the service applicant proposes between Sacramento and Redding, and points intermediate between Red Bluff and Redding.

The evidence of record demonstrates, and we hereby find, that public convenience and necessity require that Oregon Nevada California Fast Freight, Inc. be authorized to establish and operate a highway common carrier service as requested by paragraph 1(c) and (d) of its application, as amended.

ORDER ON FURTHER HEARING

A further hearing having been held, and based upon the evidence adduced and the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED:

(1) That ordering paragraph (5) of Decision No. 43106, dated July 6, 1949, in Application No. 29477, is deleted and there is substituted in place and stead thereof, the following:

"(5) That a certificate of public convenience and necessity is granted to Oregon Nevada California Fast Freight, Inc., authorizing the establishment and operation of a 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 uncrated household goods, livestock, petroleum products in bulk and articles of unusual value between Richmond and South San Francisco, on the one hand, and Red Bluff and Yreka, including intermediate points between Red Bluff and Yreka, on the other hand; between Sacramento and Redding, and all intermediate points between Red Bluff and Redding, including Red Bluff and Redding and between Redding and Red Bluff and all intermediate points. "

(2) That in providing service pursuant to the certificate herein granted, Oregon Nevada California Fast Freight, Inc. shall comply with and observe the following service regulations:

- (a) It shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days after the effective date hereof.
- (b) Within sixty (60) days after the effective date hereof and on not less than five (5) days' notice to the Commission and the public, applicant 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 timetables.
- (c) Subject to the authority of this Commission to change or modify them by further order, it shall conduct operations pursuant to the certificate herein granted over and along the following routes:

U.S. Highway No. 101-By Pass between South San Francisco and San Francisco.

State Highway No. 24 between Sacramento and Woodland; U.S. Highway No. 99-W between Woodland and Red Bluff; U.S. Highway No. 99 between Red Bluff and Redding or U.S. Highway No. 40 between Sacramento and Junction U.S. Highway No. 99-W; U.S. Highway 99-W between said junction and Red Bluff; U.S. Highway No. 99 between Red Bluff and Redding.

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

Dated at San Francisco, California, this 6<sup>th</sup> day of February, 1951.

R. Z. Indurain  
Justice J. G. ...  
Harold P. ...  
Bennett P. ...  
John E. ...  
COMMISSIONERS.