

ORIGINAL

Decision No. 45371

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. CHRISTENSON CO., a corporation,)
for a certificate of public convenience)
and necessity to extend its highway) Application No. 31697
common carrier service to various)
points and places in California.)

Frank Loughran, for applicant.
Gordon & Knapp, by Joseph C. Gill, for Pacific
Freight Lines and Pacific Freight Lines
Express; Ted Peters, Jr., and Athearn,
Chandler & Hoffman, by Theodore P. Lambros,
for Theo Peters, doing business as Ted
Peters, protestants.
Frederic A. Jacobus, for The Atchison, Topeka &
Santa Fe Railway Company and Santa Fe
Transportation Company, interested parties.

O P I N I O N

J. Christenson Co., a corporation, is presently certified as a highway common carrier to transport specified perishable commodities under refrigeration, and empty containers, between numerous points in central California, bounded by Sebastopol and Salinas on U. S. Highway 101, and Chico and Tulare on U. S. Highways 99, 99W and 99E, and most of the territory between those highways, along U. S. Highways 40 and 50 and California Highway 24.

By this application it seeks authority to extend its service to the west side of the San Joaquin Valley, along California Highways 33 and 180 and five miles on each side thereof between Tracy and Fresno (hereinafter called the West side).

Public hearings were held before Examiner Gillard in San Francisco and Newman, and the matter submitted for decision on January 31, 1951.

With the exception of empty containers and dry ice, a self refrigerant, applicant devotes itself exclusively to the transportation of frozen and fresh commodities requiring controlled temperatures. Its equipment for the most part is insulated and equipped with Thermo King mechanical refrigeration units capable of maintaining temperatures as low as ten degrees below zero. Both fresh and frozen commodities can be transported in the same semi-trailer by means of special wrapping, but in general applicant segregates these commodities and operates over the road with one tractor and double 21 foot trailers to facilitate the distribution of these two kinds of commodities. Cold storage facilities are maintained in Oakland, Manteca, Stockton, Fresno and Chico. In addition, each Thermo King equipped semi-trailer operates as an independent cold storage box when the need arises. The record discloses that applicant has sufficient experience, facilities, equipment and financial resources to conduct the proposed operation. Rates in general would be at the level of those established in Highway Carriers' Tariff No. 2, plus five per cent for the refrigeration service.

Applicant's proposal was supported by representatives of seven firms which now ship perishable commodities to or from points on the West side between Tracy and Los Banos. The products moved consist of cream, curd, skim milk, salad dressing, cheese, prepared dough, butter, eggs, dressed poultry and turkey, fresh and frozen meat, and smoked and cured sausage. Applicant's vice president testified it was presently rendering service for five of the sixteen dairy plants located on the West side. Representatives of two of these five plants are included among the seven firms which appeared in this proceeding on behalf of applicant.

Protestants Pacific Freight Lines and Pacific Freight Lines Express presented no evidence herein and gave no indication they transported commodities under refrigeration to or from the West side.

Protestant Theo Peters is certificated to transport dairy products of all kinds between the San Francisco Bay area, the West side and north to Galt. Under his certificates this protestant cannot transport eggs, poultry, meats, prepared dough and other products, other than dairy products.

Four of the firms appearing for applicant deal in products not covered by Theo Peters' certificates. Those which ship dairy products, although serving points included within the certificate of this protestant, also ship to other points such as Watsonville, Fresno and Sacramento. All of these witnesses expressed a desire and a need for the service of applicant between the West side points mentioned and numerous other points applicant is now certificated to serve.

Upon full consideration of the facts presented we find that public convenience and necessity require the establishment and operation of service by J. Christenson Co., a corporation, as a highway common carrier for the transportation under refrigeration of the commodities specified in the ensuing order, to all points on California Highway 33 between its junction with U. S. Highway 50 near Tracy, and Los Banos. In all other respects the application will be denied.

O R D E R

Public hearings having been held and the Commission, based upon the evidence received, having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to J. Christenson Co., a corporation, 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 the commodities specified in Decision No. 44241, dated May 26, 1950, in Application No. 30872, between all points on California Highway 33 between its junction with U. S. Highway 50 near Tracy and its junction with California State Highway 152 near Los Banos, including Los Banos, and between such points, on the one hand, and all points covered by its present certificates, on the other hand.

(2) That the certificate herein granted is subject to the following conditions and limitations:

- a. The line haul (intercity) transportation of all commodities other than empty containers shall be in insulated equipment under refrigeration.
- b. Applicant shall not transport any shipment of evaporated or condensed milk, except when shipped and transported in milk shipping cans of five gallons or greater capacity.

(3) That in providing service pursuant to the certificate herein granted, J. Christenson Co. shall comply with and observe the following service regulations:

- a. Applicant 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, 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 time tables.

- c. Subject to the authority of the Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the route specified in paragraph (1) of this order and, in addition, may operate over and along the following routes:

Between Manteca and Vernalis - unnumbered road.

Between Modesto and Vernalis - California Highway 132.

Between Modesto and Crows Landing - unnumbered road.

Between Turlock and Patterson - unnumbered road.

Between Merced and Gustine - California Highway 140.

Between Watsonville and Califa - California Highway 152.

(4) That in all other respects the application be and it is hereby denied.

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

Dated at San Francisco, California, this 20th day of February, 1951.

R. J. [Signature]
Justice J. [Signature]
Harold [Signature]
[Signature]

COMMISSIONERS