

Decision No. 45728

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SOUTHERN CALIFORNIA FREIGHT LINES for )  
 a certificate of public convenience )  
 and necessity to operate as an under- )  
 lying carrier for Southern California ) Application No. 32030  
 Freight Forwarders between Los Angeles )  
 territory and San Francisco territory, )  
 and to remove restriction so to do )  
 contained in Decision 43003. )

H. J. Bischoff for applicant. Gordon & Knapp by  
Frederic A. Jacobus for Pacific Freight Lines, interested party.

## O P I N I O N

By Decision No. 43003, dated June 14, 1949, Southern California Freight Lines, a California corporation, was granted a certificate of public convenience and necessity authorizing it to operate as a highway common carrier between the San Francisco territory and the Los Angeles territory <sup>(1)</sup> for the <sup>(2)</sup> transportation of general commodities, with certain exceptions, and restricted as follows:

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- (1) The San Francisco territory is defined in Appendix "B", and the Los Angeles territory is defined in Appendix "C", attached to said Decision No. 43003.
- (2) Uncrated household goods and other commodities for which the Commission has prescribed minimum rates in Appendix "A", Decision No. 32325, City Carriers' Tariff No. 3--Highway Carriers' Tariff No. 4; livestock; commodities in bulk; articles of extraordinary value; commodities injurious or contaminating to other lading; dangerous explosives; commodities requiring special equipment including refrigeration.

"Said carrier shall not, without the approval of this Commission, operate as an underlying carrier for an express corporation or transport property for a freight forwarder, nor shall said carrier publish joint rates with an express corporation or freight forwarder."

Said restriction was imposed "in the absence of any showing in the record respecting extension of service by means of an express corporation or freight forwarder ...."

By this application Southern California Freight Lines requests that it be authorized "to transport property between Los Angeles territory and San Francisco territory as an underlying carrier for Southern California Freight Forwarders; or, in the alternative, that the restriction denying said authority contained in Decision No. 43003 be removed ...."

A public hearing was held in Los Angeles on May 10, 1951.

Applicant has extensive highway common carrier rights within the six Southern California counties, and transports property as an underlying carrier for various express corporations and freight forwarders, including its affiliate Southern California Freight Forwarders. As the latter company, an express corporation, serves many shippers situated at points which are common with those served by applicant, it is contended that an improved express service would be made available to the public on shipments originating at or destined to such common points of service if this application is granted.

Mr. H. P. Merry, vice president and traffic manager for applicant, testified that applicant herein only seeks

authority to act as underlying carrier for traffic of Southern California Freight Forwarders between the points Southern California Freight Lines was authorized to serve by Decision No. 43003; that Southern California Freight Forwarders was operating an express service between said points, pursuant to its "grandfather rights", before August 1, 1933, and has continued ✓ such operation, using various underlying carriers; that Southern California Freight Forwarders has at all times had tariffs on file with this Commission, naming points and places within the said Los Angeles and San Francisco territories; that many of Southern California Freight Forwarders' express shipments, originating at Southern California points and destined to the San Francisco territory, are now transported into Los Angeles by Southern California Freight Lines, as underlying carrier, where they must be transferred to the lines of other carriers; that such arrangement is inconvenient and otherwise unsatisfactory for the shipper because of excess terminal handling and multi-carrier service; that the proposed service would be more expeditious and convenient, and shippers would also get quicker and more satisfactory service on claims.

The application was not opposed and no evidence was offered by anyone other than applicant.

Having fully considered applicant's proposal in the light of the evidence of record, we find that public convenience and necessity require that this application be granted.

O R D E R

Application having been made, the Commission being fully advised in the premises, and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Southern California Freight Lines, a California corporation, authorizing it to operate as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of express traffic of Southern California Freight Forwarders, a California corporation, between the San Francisco territory and the Los Angeles territory, as said territories are defined in Appendixes "B" and "C", respectively, to Decision No. 43003, dated June 14, 1949, over and along the same routes as authorized in said Decision No. 43003, subject to the following condition:

That applicant shall transport only such shipments between the said Los Angeles and San Francisco territories as move between points which Southern California Freight Forwarders served prior to August 1, 1933.

(2) That, in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

(a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.

(b) Within sixty (60) days after the effective date hereof, and upon 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, tariffs and time schedules satisfactory to the Commission.

(3) That, in all other respects, paragraph (g) of Decision No. 43003 shall remain in full force and effect.

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

Dated at San Francisco, California, this 22nd day of May, 1951.

A. J. Ingram  
Justus J. Casper  
Harold P. Kula  
John E. Mitchell

COMMISSIONERS