

ORIGINAL

Decision No. 45792

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
E. GUY WARREN, doing business as )	
WARREN TRANSPORTATION CO., for a )	
certificate of public convenience )	Application No. 30128
and necessity to operate as a high- )	
way common carrier for the trans- )	
portation of property. )	

Marvin Handler, for applicant.

Douglas Brookman, for Common Carrier Conference of Truck Owners' Association of California; Gordon and Knapp, by Hugh Gordon, for Pacific Freight Lines and Pacific Freight Lines Express; Willard S. Johnson, for J. A. Nevis, doing business as Joe A. Nevis Trucking, J. Christenson Co., and Theo Peters, doing business as Ted Peters Trucking; William Meinhold and W. A. Gregory, for Southern Pacific Company, Northwestern Pacific Railroad Company, Central California Traction Company and Pacific Motor Trucking Company; Robert W. Walker, J. B. Kramer and F. A. Jacobus, for The Atchison, Topeka & Santa Fe Railway Company and Santa Fe Transportation Company, protestants.

O P I N I O N

By Decision No. 45417, dated March 6, 1951, E. Guy Warren, doing business as Warren Transportation Co. was granted a certificate of public convenience and necessity to transport (a) general commodities in shipments of 20,000 pounds or more between points in San Francisco territory (as described in an appendix attached to the order); and (b) general commodities between San Francisco territory and lumber, other forest products and building materials between Vallejo, on the one hand, and points and places located upon and along certain specified routes.

On April 12, 1951, E. Guy Warren filed his petition for modification of Decision No. 45417 so as to include service for the transportation of empty containers and pallets returning in shipments of less than 20,000 pounds.

On March 26, 1951, a petition for rehearing was filed by Pacific Freight Lines and Pacific Freight Lines Express for the purpose of determining fixed termini and regular routes within the San Francisco territory, which extends from Richmond and San Francisco, on the north, to San Jose, on the south.

On April 17, 1951, the Commission issued its order granting rehearing for the purpose of oral argument. Oral argument was heard before Examiner Daly on May 25, 1951, and the matter submitted.

Counsel for Pacific Freight Lines and Pacific Freight Lines Express argued that to grant a certificate of public convenience and necessity authorizing operations within a specified area, without specifying points or routes, was to exceed statutory authority.

Attorney for applicant stated that he was in accord with the position taken by counsel for protestants and requested that Decision No. 45417 be amended by specifying points and routes with certain lateral rights of two and three miles. This was acceptable to all parties.

No objection was made to applicant's request that Decision No. 45417 be amended so as to include shipments of empty carriers and pallets returning of less than 20,000 pounds, providing they were limited to those empty containers and pallets which applicant utilizes in transporting shipments outbound. The applicant,

testifying on his own behalf, stated that he had made many such shipments in the past, but inadvertently failed to make a showing on this phase of his operations during the course of the original hearing.

After full consideration of the facts, the Commission is of the opinion that Decision No. 45417 should be amended to the extent herein set forth.

O R D E R

Therefore, good cause appearing,

IT IS ORDERED:

(1) That part (a) of paragraph (1) as set forth in sheet 22 in Decision No. 45417, in Application No. 30128, is hereby amended to read as follows:

"(a) general commodities

(1) Between Richmond and San Jose and intermediate points via the following routes, with the right to make lateral departures of three (3) miles therefrom:

U. S. Highways 40 and 50 and State Highways 17 and 9;

(2) Between San Francisco and San Jose and intermediate points via the following routes, with the right to make lateral departures of two (2) miles therefrom:

U. S. Highway 101 and U. S. Highway 101 By-Pass;

with the right to use the San Francisco-Oakland Bay Bridge, San Mateo Bridge and Dumbarton Bridge and their approaches;"

(2) That subparagraph (b) of paragraph (2) as set forth on sheet 23 of Decision No. 45417, in Application No. 30128, is hereby amended to read as follows:

"(b) Applicant shall not transport any shipments of less than 20,000 pounds or subject to a charge lower than applicable on a shipment of 20,000 pounds, except returning empty carriers and pallets previously utilized by applicant in the transportation of outbound shipments."

(3) That in all other respects Decision No. 45417, dated March 6, 1951, in Application No. 30128, shall remain in full force and effect.

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

Dated at Los Angeles, California, this 5<sup>th</sup> day of June, 1951.

*R. Z. [Signature]*  
*Harold Huls*  
*W. L. Mitchell*

COMMISSIONERS