

Decision No. 46076**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 WALTER F. PETERS and MYRON D. PETERS,
 doing business as PETERS TRUCK LINES,
 for enlargement and extension of the
 highway common carrier service (1) by
 the addition of the territory from
 Weed to Tulelake, via U.S. Highway
 97 and (2) by providing service
 between points wholly intermediate to
 Castella, Hilt, Etna, Montague and
 Tulelake.

Application No. 32105
 As amended

Spurgeon Avakian, for applicant
John C. Orlowski, for McCloud River Railroad Company, protestant

O P I N I O N

Walter F. Peters and Myron D. Peters, doing business as Peters Truck Lines are presently authorized to perform a highway common carrier service between San Francisco Bay Area points, Sacramento and North Sacramento, on the one hand, and on the other hand, points located on U. S. Highway 99 between Castella and Hilt, both inclusive, and points located on State Highway 82 between Etna and Montague, both inclusive.

By this application they propose to extend the service authorized in Decision No. 44034 to include Weed, Dorris, Tule Lake and all points intermediate thereto located on U. S. Highway 97 between Weed and the Oregon State Line, and on an unnumbered State Highway running along the California-Oregon line from U. S. Highway 97 to Tule Lake, together with all points located within one mile on either side of said highways and all points located within a radius of ten (10) miles of the U. S. Post Office at Tule Lake.

By amendment to the application service is also proposed by extension from Etna to Callahan on State Highway 82, and by the addition of a route running to McCloud via State Highway 89 from its

junction with U. S. Highway 99 near the town of Mt. Shasta. The amendment also requests authority to render intermediate service between points northerly of Castella.

A public hearing was held by Examiner Gannon at Yreka and the matter was submitted on concurrent briefs now duly filed.

The applicants called eleven public witnesses all of whom testified that the service proposed was necessary and would be used by them if authorized. Applicant Walter F. Peters testified regarding the proposed service. Line-haul trucks would operate between the terminals in San Francisco, Oakland, Sacramento, Mt. Shasta and Yreka. Smaller trucks would operate from the Yreka and Mt. Shasta terminals to Tule Lake with the exception of McCloud, where the service would be on-call, and daily schedules would be maintained. Northbound trucks would leave the Bay Area and Sacramento early in the evening and arrive at the various points the following morning. On the reverse the schedules would correspond with the northbound schedules. At present, there is no direct service between the Bay Area points and Tule Lake. Applicants allege that shipments to points such as Dorris and Mt. Hebron are carried to Klamath Falls, Oregon, and back-hauled twice a week. As a rule the merchants in these small communities work on limited inventories and need a more expeditious service. Callahan is without common carrier service of any kind. The Vice President of McCloud River Railroad Company testified that, in his opinion, service provided for McCloud is adequate and satisfactory to the shipper. He pointed out that the Railroad Corporation has been authorized to, and does render a service sufficient to the needs of that community. The Railroad, it was contended, transports shipments between Mt. Shasta and McCloud, and is also authorized to carry traffic between Dunsmuir and McCloud without transfer.

The application, so far as service between Mt. Shasta and McCloud is concerned, is readily disposed of. This request was filed as an amendment over three months after the original application was filed. Neither applicant nor protestant called any public witness to testify to the need for the service, on the one hand, or the adequacy of the present service on the other hand. All we have in the record is the self-serving statements of counsel for applicant and for protestant. We are justified, therefore, in assuming that the shippers and receivers of freight at McCloud are satisfied with present service, and that applicants' failure to call a single witness in support of that extension would indicate a lack of interest in the proposal. That part of the application will therefore be denied.

After full consideration of the facts, we are of the opinion, and find, that public convenience and necessity require establishment and operation of the remaining proposed service. The application will be granted by amending the order of Decision No. 44034.

O R D E R

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

IT IS ORDERED:

(1) That paragraph (2)c on sheet 8 of Decision No. 44034 is amended by adding thereto the following:

From Weed to Oregon State Line, via U. S. Highway 97 (including the off-route point of Mt. Hebron) and thence via unnumbered State Highway to Tule Lake, together with all points located within one (1) mile on either side of each of said highways and all points located within a radius of ten (10) miles of the U. S. Post Office at Tule Lake; and return over same route.

From Etna to Callahan via unnumbered State Highway and return over same route.

Intermediate service wholly between points on applicants' routes northerly of and including Castella.

(2) Applicants shall file a written acceptance of the authority herein granted within a period of not to exceed 30 days after the effective date hereof.

(3) 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 timetables.

(4) That based upon the evidence of record herein the Commission is of the opinion, and finds, that it has not been shown that public convenience and necessity require additional service between Mt. Shasta and McCloud and that part of the application is hereby denied.

(5) That in all other respects Decision No. 44034 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 14th day of August, 1951.

R. T. Anderson
Franklin J. Gallivan
Harold P. Hills
Lawrence H. Lott

Commissioners