

ORIGINAL

Decision No. 46242

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
D. A. Mitchell and G. V. Clark )  
(Riske Trucking Co.), for a certificate ) Application No. 32190  
of public convenience and necessity )  
to extend service. )

Frank Loughran, for applicants.  
A. L. Stojkovich, for Merchants Express Corporation,  
interested party.

O P I N I O N

Applicants request extension of their certificated highway common carrier authority to include transportation of empty containers of all kinds, in shipments of not less than 5000 pounds or shipments which shall carry charges applicable to shipments of 5000 pounds, between all points and along all routes specified in their present certificates. <sup>(1)</sup> The application was submitted at a public hearing held at Sacramento on September 11, 1951, before Examiner Gregory. No objection to the proposal was manifested at the hearing.

Applicants' certificated rights include, essentially, the authority to transport general commodities, with certain exceptions, in shipments of not less than 20,000 pounds and used machinery in shipments of not less than 5000 pounds, between (a) Sacramento and all points within three miles laterally of specified routes traversing territory surrounding Sacramento and circumscribed by Stockton, Ryde, Dixon, Winters, Madison, Zamora,

---

(1) See Decisions Nos. 43731 and 43779, in Application No. 30322, and Decision No. 45330 in Application No. 31657.

Robbins, Rio Oso, Lincoln, Clarksville and Michigan Bar, including intermediate service from, to and between all route and lateral zone points and off-route service at Lathrop and Lyoth; (b) between all points and places included in (a) above and San Francisco Territory (Item 270-A, Highway Carriers' Tariff No. 2) via specified routes; (c) between all points and places included in (a) above and all points on and within three miles laterally of route highways between points included in (a) above and San Francisco Territory. Applicants also possess certificated authority to transport grain and roofing materials in shipments of not less than 30,000 pounds, and used machinery in shipments of not less than 5000 pounds, between all points and places on and within three miles laterally of specified highways between the Sacramento and San Francisco territories, on the one hand, and, on the other hand, points and places in San Francisco Territory, subject to certain local restrictions between San Francisco Territory and points south of Cordelia and west of Walnut Creek and Mountain House, respectively. In addition, they have a certificate authorizing transportation of general commodities, with certain exceptions, between the Campbell Soup Company plant about one mile from Sacramento, on the one hand, and, on the other hand, Sacramento, North Sacramento and West Sacramento. They also have contract and radial highway common carrier permits issued by this Commission.

The copartners, Mitchell and Clark, and their predecessors have been engaged in highway transportation since 1930. They have specialized in the handling of heavy traffic, particularly that moving to and from canneries, rice mills, grain and bean processing plants, warehouses and machine shops, in territory extending from agricultural areas surrounding Sacramento and Stockton to San Francisco Bay points and south to San Jose. The record establishes

that the movement of empty containers, consisting of cans, sacks, boxes, drums, barrels, carboys and other items, though less desirable from a revenue standpoint due to the comparatively light weight of such traffic, <sup>(2)</sup> nevertheless constitutes an important phase of shipping operations to and from canneries, fields, industrial plants, machine shops and military bases located in the territory served by applicants. Since the carrier already transports volume shipments for its patrons, it is in a peculiarly favorable position to undertake the movement of the containers in which such shipments are packed and has been doing so for many years, assertedly under its permitted authority. According to the testimony of D. A. Mitchell, one of the copartners of Risko Trucking Company, the authority here sought was not previously requested due to inadvertence.

The application was supported by representatives of a distributor of petroleum products, a soup canning concern and a bean and grain shipper, all substantial shippers located in the Sacramento area, whose volume shipments, as well as shipments of empty containers, move in both directions between agricultural areas surrounding Sacramento and Stockton and San Francisco Bay points as far south as San Jose.

The proposed service will not be conducted pursuant to fixed time schedules. The rates to be charged will be generally the same as those authorized by the Commission in Highway Carriers' Tariff No. 2. Applicants appear to have the requisite facilities with which to conduct the addition to their highway common carrier operations here proposed.

We find from the evidence that public convenience and necessity require the extension of applicants' existing highway common carrier service in the manner and to the extent set forth

---

(2) A full truckload of empty containers frequently does not exceed 5000 pounds in weight. The transportation of containers accounts for about 5% of this carrier's gross annual revenue.

in the application herein, as provided in the order to follow.  
The application, accordingly, will be granted.

O R D E R

A public hearing having been held on the above-entitled and numbered application, the matter having been submitted for decision, the Commission being fully advised and basing its order upon the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED:

1. That the certificates of public convenience and necessity heretofore issued to D. A. Mitchell and G. V. Clark, copartners, doing business as Riske Trucking Co., pursuant to Decisions Nos. 43731 and 43779, in Application No. 30322, and Decision No. 45330, in Application No. 31657, be and they are hereby amended to include the authority to transport empty containers of all kinds, in shipments of not less than 5000 pounds or shipments which shall carry a charge applicable to shipments of 5000 pounds, between all points and along all routes specified in said decisions.

2. That in providing service pursuant to the authority herein granted, applicants shall comply with and observe the following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicants 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, applicants 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.

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

Dated at San Francisco, California, this 2<sup>nd</sup> day of October, 1951.

*[Signature]*  
PRESIDENT  
*Justin Z. Cramer*  
*Harold Huls*  
*John E. Mitchell*  
COMMISSIONERS