

46875

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
J. CHRISTENSON CO., a corporation,)	
for an in lieu certificate of public)	Application No. 32838
convenience and necessity authorizing)	
highway common carrier service between)	
various points and places in California.))	

Willard S. Johnson, for applicant.
Douglas Brookman, for California Motor Express, Ltd.,
 protestant.
N. R. Moon, for Merchants Express Corporation,
 protestant.
 Robert W. Walker and Matthew H. Witteman, for Santa Fe
 Transportation Company and The Atchison, Topeka &
 Santa Fe Railway Company, protestants.

O P I N I O N

J. Christenson Co., presently certificated as a highway common carrier for the transportation of certain perishable commodities in insulated equipment under refrigeration between numerous points in central California, bounded generally by Santa Rosa and Salinas and Monterey along the coast, and Corning, Chico and Porterville along U. S. Highways 99, 99-W and 99-E, seeks authority to extend its service to such points as Redding, on the north, Oroville, Nevada City, Grass Valley, Auburn and Folsom, on the east, Los Banos, Mendota, Selma, the Porterville "loop", on the south, Bodega and Petaluma, on the west, and between various other points such as San Mateo and Tracy, Gustine and Fresno and Benicia and Warm Springs.

Public hearings were held before Examiner Silverhart in Sacramento and San Francisco.

The commodities proposed to be transported and the rates therefor are as follows:

- (a) Commodities requiring temperature control all or a part of the year; -- minimum established by Highway Carriers' Tariff No. 2, plus 5 per cent.
- (b) Dairy products, viz: ice cream preparations; milk, powdered, milk, malted; milk food, other than malted, dry; -- minimum set forth in Highway Carriers' Tariff No. 2.
- (c) Packing house products, viz: canned meats, sausage casings; lard, or lard substitutes; -- as in (a) above.
- (d) Table sauces; relishes; salad dressing in mixed shipments with commodities requiring temperature control all or part of the year; -- as in (b) above if separate weights shown; if combined weight used, highest commodity rate will be applied.
- (e) Empty containers, packaging materials and labels; -- as in (b) above.
- (f) Advertising matter, in mixed shipments with commodities requiring temperature control all or part of the year; -- as in (d) above.

Existing time schedules will incorporate the service to the new areas together with an on call service thereto. Service will be provided on Saturdays, Sundays and holidays.

The record discloses that applicant possesses the experience, equipment, terminal and storage facilities, and adequate financial resources to institute and maintain the proposed operation.

Applicant's manager stated that it has been requested by the Red Cross to transport blood plasma. It appears plasma must be moved with great celerity and under refrigeration capable of holding the temperature range (fahrenheit) between a minimum of 40° and a maximum of 50°. The witness testified that requests to transport dairy products have been received from operators of milk and dehydrating plants for whom applicant has been providing its refrigerated service; that applicant's lack of authority to comply with such requests has adversely affected its relationship with its shippers; that packing houses now utilizing applicant's services

are compelled to split shipments so that that portion thereof consisting of lard must be transported by another carrier thus causing inconvenience to such shippers; that applicant, when tendered a mixed shipment of table sauces and salad dressings and commodities requiring temperature control all or part of the year, is required to effect the transportation in part as a highway common carrier and in part as a highway contract carrier resulting in a considerably higher cost to the shipper than if moved under a single charge; that frozen food processors desire that containers and labels accompany their produce shipments when delivered to the packing house; that applicant has been requested to move advertising matter in conjunction with and as a part of the shipment of the commodities being transported.

Applicant has requested that if the application be granted, its service be restricted so as not to permit it to transport any shipment of milk, powdered; milk, malted; or milk food, other than malted, dry; between points and places on U. S. Highway 33 between Los Banos and Vernalis, both inclusive, on the one hand, and, on the other hand, San Francisco, Oakland, Alameda, Berkeley, Emeryville, Albany, El Cerrito, Richmond, San Leandro, Hayward, San Jose and Stockton.

Representatives of firms which maintain plants and warehouses at San Francisco, Oakland, Manteca, Tulare, Sacramento, Hughson, Fresno, Galt, Turlock, Willows, Bodega Bay, and ship the kinds of commodities here involved to points encompassed within the scope of the application testified that they had used and now are using applicant's service; that such service was and is highly satisfactory; that their products require temperature control during transit; that applicant maintains excellent temperature

control in its vehicles; that if the authority sought herein is granted they will use applicant's service as so extended.

The traffic manager of the western division of Kraft Foods Company testified that he ships cottage cheese, cream cheese, salad dressings and oils, sandwich spreads and prepared dough to Red Bluff, Redding, Nevada City, Grass Valley and Auburn; that the cheeses are perishable; that temperature control is necessary in the transportation of prepared dough as freezing damages and an excessive temperature destroys it; that he does not receive refrigeratory service from San Francisco and Sacramento to Red Bluff and Redding; that the present highway common carrier service to such points is unsatisfactory for his company's products; that in the case of mixed shipments he presently tenders the perishable portions to applicant as a highway common carrier and the non-perishable portion is tendered to applicant as a highway contract carrier thus resulting in the assessment of higher transportation charges; that the proposed service will enable him to offer applicant more shipments, both straight and mixed, and will afford his company lower rates.

An official of a company engaged in the manufacture of ice cream mix and which also deals in wholesale dairy products testified that shipments are made from Exeter, Lindsay and Porterville; that present service to such points is non-refrigerative, involves a combination movement of railway express and truck, requires 12 hours en route and results in considerable spoilage.

A shipper of frozen fish testified that his company experienced a 10 to 20 per cent increase in its business since using applicant's service as compared to railway express service; that the proposed service is needed so that his product may arrive

at destination in perfect condition; that he will make shipments to Camp Beale if applicant provides service thereto.

The sales manager of a company which ships frozen meats throughout California stated that he had lost business because he has been unable to obtain an adequate refrigerative service to the Red Bluff-Redding area; that he could develop business in many areas if a refrigeratory service was available; that his experience has demonstrated that applicant is the only carrier proffering an adequate service.

A traffic manager representing shippers of manufactured dairy products stated that their products required mechanical temperature control in transit; that applicant has rendered a very fine service; that the proposed service will enable his companies to make more shipments to the Redding and Grass Valley areas and also to develop new business in the Exeter, Lindsay, Porterville area.

The assistant division manager of an establishment dealing in poultry and dairy products testified that he ships turkeys from Modesto and margarine from San Francisco; that most of his products are in a frozen state and should be carried under temperature control; that margarine requires temperature control in the summer; that he has used applicant's service; that such service is very good; that he makes shipments to Mather Field and Camp Beale; that he will use the proposed service.

The shipping manager of a meat processing company testified that his customers who purchase meat products also buy lard and lard substitutes; that it would be convenient to have the same carrier transport lard along with his company's other products; that applicant presently hauls more than 50 per cent of such shipments that require temperature control.

The office manager of Jacob E. Decker & Son, a division of Armour & Co. stated his company handles fresh frozen pork loins, spareribs and lard each of which requires temperature control during transit; that he makes shipments to Auburn, Grass Valley and Nevada City by railway express; that such shipments do not arrive in satisfactory condition; that the proposed service will be a convenience as it will enable him to have lard carried in the same shipment with other products.

A representative of a company making shipments of fresh and frozen chickens and turkeys to Redding, Red Bluff, and the Auburn, Grass Valley and Nevada City area, testified that such shipments are routed through the company's branch at Sacramento; that if the proposed service were made available, double handling would be eliminated and his products would arrive at destination one or two days earlier and in fresher condition.

The traffic manager of Borden Company, Pacific Cheese Division stated it was desirable that salad dressings be transported in the same truck with their other products which require temperature control; that the proposal to transport mixed shipments will afford his company a more favorable rate.

The district product manager of Cudahy Packing Co. testified that shipments are now being made to Dublin, Livermore and Pleasanton. that shipments to the Mendota-Firebaugh area are now transported in company owned trucks and that such arrangement is unsatisfactory; that temperature control service is an aid in the development of sales programs; that he will use the proposed service.

The route supervisor of a wholesale fish distribution company testified that one of its processing plants is located at Bodega Bay; that fish caught in that area are frozen at such plant; that shipments from Bodega Bay to San Francisco and Sacramento

are presently moved in trucks which are not refrigerated; that frozen fish require temperature control in transit; that the proposed service will be helpful.

Evidence also was given by many other shipper witnesses. Such testimony indicated that they had utilized applicant's service; that it was excellent; that the proposed service is greatly needed and will be used, if authorized.

Applicant's supervisor of traffic at its Sacramento terminal testified that he has shipments moving from its system to beyond points such as Redding and the Grass Valley, Nevada City, Auburn district; that commodities requiring temperature control have been tendered to Valley Freight Lines and Merchants Express Corporation for transportation to beyond points; that both such carriers refused to transport the proffered shipments.

Protestant California Motor Express, Ltd., did not testify or offer any witnesses in its behalf.

Protestants Santa Fe Transportation Company and The Atchison, Topeka & Santa Fe Railway Company did not call any witnesses but placed in evidence an exhibit showing the areas served, its equipment and terminals.

Protestant Merchants Express Corporation gave evidence as to its terminals, equipment and the area it served.

This record does not indicate that protestants have made available temperature control transportation services such as proposed here or that they possess the necessary equipment and trained personnel so to do.

After careful consideration of the facts presented, the Commission finds 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 of property, as described, between the points set forth in the ensuing order.

The certificate granted herein will comprehend all of applicant's operative rights as a highway common carrier, therefore each certificate previously granted it will be revoked and annulled.

O R D E R

Public hearings having been had and based upon the evidence therein adduced,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to J. Christenson Co., a corporation, authorizing it to operate as a highway common carrier, as defined by Section 213 of the Public Utilities Code, for the transportation of:

- (a) Commodities requiring temperature control all or a part of the year;
- (b) Dairy products, namely, ice cream preparations; milk, powdered; milk, malted; milk food, other than malted, dry;
- (c) Packing house products, namely, canned meats, sausage casings; lard, or lard substitutes.
- (d) Table sauces, relishes, salad dressings in mixed shipments with commodities requiring temperature control all or part of the year;
- (e) Empty containers, packaging materials and labels;
- (f) Advertising matter, in mixed shipments with commodities requiring temperature control all or part of the year;

between all points and places on:

- (1) U. S. Highway 101 between Santa Rosa and Salinas.
- (2) U. S. Highway 99-W and 99 between Redding and Tulare.
- (3) U. S. Highway 99-E between Red Bluff and Roseville.

- (4) U. S. Highway 40 between San Francisco and Auburn.
- (5) U. S. Highway 50 between San Francisco and Folsom.
- (6) Unnumbered highway between Bodega Bay, via Freestone, and Sebastopol.
- (7) Unnumbered highway between Bodega Bay, via Valley Ford and Bloomfield, and Petaluma.
- (8) State Highway 12 between Sebastopol and Lodi.
- (9) State Highway 37 between Ignacio and Napa.
- (10) State Highway 29 between Napa and Vallejo.
- (11) State Highway 48 between Sears Point and Vallejo.
- (12) Richmond-San Rafael Ferry between San Rafael and Richmond.
- (13) San Mateo Bridge between San Mateo and Mt. Eden.
- (14) State Highway 17 between Oakland and Santa Cruz.
- (15) State Highway 4 between Junction with U. S. Highway 40 near Pinole and Stockton.
- (16) State Highway 24 between Oakland and Oroville.
- (17) State Highway 16 between Woodland and Sacramento.
- (18) Unnumbered Highway between Vallejo and Benicia.
- (19) Unnumbered Highway commonly known as Marsh Creek Road between Concord and Byron.
- (20) Unnumbered Highway between Byron and Tracy.
- (21) State Highway 21 between Cordelia and junction with State Highway 17 near Warm Springs.
- (22) Unnumbered Highway between Centerville, through Niles, Sunol and Pleasanton, and Livermore.
- (23) Unnumbered Highway between Chico and Paradise.
- (24) State Highway 32 between Orland and Chico.
- (25) State Highway 20 between Williams and Nevada City.
- (26) State Highway 49 between Auburn and Grass Valley.
- (27) Unnumbered Highway between junction with U. S. Highway 99-E and Marysville Army Cantonment, Camp Beale, California.
- (28) State Highway 120 between Junction with U. S. Highway 50 and Escalon.
- (29) Unnumbered Highway between Salida, via Riverbank, and Oakdale.

- (30) Unnumbered Highway between Escalon and Oakdale.
- (31) Unnumbered Highway between Escalon and Riverbank.
- (32) State Highway 33 between junction with U. S. Highway 50 and Mendota.
- (33) State Highway 132 between Vernalis and Modesto.
- (34) State Highway 152 between Watsonville and Califa.
- (35) State Highway 140 between Gustine and Merced.
- (36) State Highway 180 between Mendota and Centerville (Fresno County).
- (37) Unnumbered Highway between Centerville and Sanger.
- (38) State Highway 198 between Lemoore and junction with State Highway 65 near Exeter.
- (39) Unnumbered Highway between Selma and Reedley.
- (40) State Highway 65 between junction with State Highway 198 near Exeter and Porterville.
- (41) State Highway 25 between Gilroy and Hollister.
- (42) State Highway 156 between Hollister and junction with U. S. Highway 101.
- (43) State Highway 1 between Santa Cruz and Monterey-Pacific Grove.
- (44) Unnumbered Highway (Chittenden Pass) between Watsonville and junction U. S. Highway 101.
- (45) Unnumbered Highway between Monterey and Salinas.
- (46) Unnumbered Highway between Watsonville, via Freedom, and Aptos.
- (47) Unnumbered Highway between Warm Springs, via Niles, and Hayward.
- (48) State Highway 41 between Fresno and Lemoore.
- (49) Unnumbered Highway between Tulare and Lindsay.
- (50) Unnumbered Highway from junction U. S. Highway 99-E between Oroville Wye and Oroville.
- (51) Unnumbered Highway between Sanger and Kingsburg.
- (52) Unnumbered Highway between Minkler through Reedley and Dinuba and intersection with State Highway 198 near Goshen Junction.

- (53) Unnumbered Highway between intersection with U. S. 99 (Biola Junction) and Clovis; thence south on an unnumbered highway to intersection with State Highway 180 approximately 5 miles east of Fresno.
- (54) Between all points and places on and within 5 miles laterally of the routes and points specified in subparagraphs (1) through (53), above.

(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, packaging materials and labels shall be in insulated vehicles, equipped with mechanical temperature control systems.
- (b) Applicant shall not transport any shipment of milk, powdered; milk, malted; or milk food, other than malted, dry; between points and places on U. S. Highway 33 between Los Banos and Vernalis, both inclusive, on the one hand, and San Francisco, Oakland, Alameda, Berkeley, Emeryville, Albany, El Cerrito, Richmond, San Leandro, Hayward, San Jose and Stockton, on the other hand.

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

- (a) Within 30 days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (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 file, in triplicate, and concurrently make effective, appropriate tariffs and time tables.
- (c) Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the highways and routes hereinabove enumerated in paragraph (1).

(4) That the foregoing certificate is granted in place and stead of the highway common carrier operative rights heretofore granted to J. Christenson Co. pursuant to Decision No. 44241, dated May 26, 1950, in Application No. 30872; Decision No. 44629, dated

August 8, 1950, in Application No. 31561, and Decision No. 45371, dated February 20, 1951, in Application No. 31697, and that each of said certificates is hereby revoked and annulled.

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

Dated at San Francisco, California, this 17th day of March, 1952.

A. J. [Signature]
President

Justin J. [Signature]

Harold [Signature]

[Signature]

Commissioners