

ORIGINAL

Decision No. 47272

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 E. J. WILLIG TRUCK TRANSPORTATION CO.,)
 a corporation, for a Certificate of)
 Public Convenience and Necessity to)
 operate as a highway common carrier)
 for the transportation of commodities)
 generally between San Francisco on)
 the one hand, and San Diego, Imperial)
 Valley, Coachella Valley and Salton)
 Sea on the other hand, and certain)
 intermediate points; and between)
 Sacramento on the one hand and San)
 Diego, Imperial Valley, Coachella)
 Valley and Salton Sea on the other)
 hand and certain intermediate points.)

Application No. 24107

In the Matter of the Application of)
 SAVAGE TRANSPORTATION COMPANY, a)
 corporation, for a Certificate of)
 Public Convenience and Necessity to)
 operate as a highway common carrier)
 for the transportation of commodities)
 generally between San Francisco on)
 the one hand, and San Diego, Imperial)
 Valley, Coachella Valley and Salton)
 Sea on the other hand, and certain)
 intermediate points; between)
 Sacramento on the one hand, and San)
 Diego, Imperial Valley, Coachella)
 Valley and Salton Sea on the other)
 hand and certain intermediate points.)

Application No. 23877

SECOND SUPPLEMENTAL OPINION

E. J. Willig Truck Transportation Co. and Savage Transportation Co., Inc., have filed a joint petition herein requesting clarification of Decisions Nos. 45136 and 45137, amending Decision No. 43003, or the removal of certain restrictions in the last-mentioned decision:

Decision No. 43003, dated June 14, 1949, in the above-entitled applications and others, granted the two petitioners herein authority to operate as highway common carriers generally

between the San Francisco and Los Angeles Territories. Each grant of authority was made subject to the following restriction:

"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."

Subsequently, Applications Nos. 30795, 30796 and 30824 were filed by the Willig and Savage companies requesting authority to establish joint rates with certain highway common carriers and express corporations. The authority sought was granted, after public hearing, by Decision No. 45136, dated December 12, 1950. The restriction quoted above was adverted to in said decision and the Commission made the following finding with respect thereto:

"We further find on this record that Decision No. 43003, supra, should be amended by removing the restriction placed upon the certificates of Savage and Willig, quoted above."

This statement showed the intention of the Commission to remove in toto the restriction in question. However, Decision No. 45137 in this proceeding, which was issued the same date as Decision No. 45136 and which was based thereon and was designed to accomplish the removal of such restriction, contained the following language:

"IT IS HEREBY ORDERED that subparagraphs (a) and (c), of paragraph (1) of the order contained in Decision No. 43003 of June 14, 1949, as amended, in the above-entitled applications be and it is hereby further amended by removing the restrictions against the publication of joint rates with express corporations and freight forwarders."

It is apparent that the language last quoted removed only part of the restriction under consideration. This results in ambiguity as to the construction of Decisions Nos. 45136 and 45137 and leaves in doubt the present operative authority of the petitioners. To accomplish the intent of the Commission, the order which

follows will specifically remove the restrictive language referred to herein. A public hearing is not necessary.

SECOND SUPPLEMENTAL ORDER

Petition as above entitled having been filed and good cause appearing,

IT IS ORDERED that subparagraphs (a) and (c), of paragraph (1) of the order contained in Decision No. 43003, as amended, be and they are each hereby further amended by eliminating therefrom the language which follows:

"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."

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

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

R. E. Ingraham
President
Justice F. Cramer
Harold P. Hull
Herbert P. Tuttle
John E. Russell
Commissioners