

ORIGINAL

Decision No. 47386

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC FREIGHT LINES, a corporation,)
and PACIFIC FREIGHT LINES EXPRESS, a)
corporation,)

Complainants,)

vs.)

SOUTHERN CALIFORNIA FREIGHT LINES, a)
corporation,)

Defendant.)

Case No. 5232

Gordon & Knapp by Wyman Knapp for complainants
H. J. Bischoff, for defendant
Robert W. Walker and Matthew H. Witteman, by Matthew
H. Witteman, for The Atchison, Topeka & Santa Fe
Railway Company and Santa Fe Transportation Company,
interveners.

OPINION ON REHEARING

By its Decision No. 46624 dated January 8, 1952, in Case No. 5232 this Commission rendered its Order as follows:

"(1) That Southern California Freight Lines, defendant herein, unless and until it has secured from this Commission a certificate of public convenience and necessity therefor, shall cease and desist and hereafter refrain from engaging in operations as a highway common carrier, as that term is defined in Section 213, Public Utilities Code, over any highway route not presently specified in its present certificates, or in service regulations appended thereto, between Los Angeles, on the one hand, and, on the other hand, the following points or places: El Monte, Montebello, Pomona, Ontario, Chino, Claremont, Cucamonga, Guasti, La Verne, Spadra, Upland, Rialto, Fontana, Mira Loma, Pedley and Sparrland.

"(2) Southern California Freight Lines, defendant herein, is hereby directed to cease and desist and hereafter refrain from rendering pickup and delivery service, in connection with its

presently authorized highway common carrier service, without first securing from this Commission proper authority therefor, within the following zones or places:

- a. Portions of Arcadia located within three miles of the intersection of El Monte Avenue and the northerly city limits of El Monte; also, unincorporated territory within three miles of the city limits of El Monte.
- b. Unincorporated territory within three miles of the city limits of Montebello, except such territory as lies within three miles of the intersection of Pine Avenue and Atlantic Boulevard in South Pasadena.
- c. Unincorporated territory within three miles of Rosemead Post Office, located at the intersection of Rosemead and Valley Boulevards, except such territory as lies within three miles of the intersection of La Press Drive and Sunnyslope Drive, in Pasadena.
- d. Unincorporated territory, including Fontana, within three miles of the city limits of Rialto, except in connection with operations pursuant to Decision 16315 along the route therein specified."

Upon petition of defendant rehearing was granted by Commission Order dated February 5, 1952.

Pursuant to such order granting rehearing further hearings were held before Examiner Rowe in Los Angeles on May 6, May 23 and June 17, 1952. Additional evidence was received and the matter was argued by counsel and on June 17, 1952, the matter was duly submitted for decision.

On the further hearings defendant has referred to two

additional decisions of this Commission which grant it operative rights between Los Angeles, Pasadena and Sierra Madre⁽¹⁾ and between Los Angeles and Olinda and the intermediate points of Montebello, Belvedere, Pico, Whittier, La Habra, Brea and Olinda.⁽²⁾ Said Decision No. 46624 was rendered upon the assumption that such operative rights were nonexistent. Consequently the order in said Decision No. 46624 should be modified so as not to require defendant to cease and desist from serving the City of Montebello and from rendering pickup and delivery service within three miles from said city or from rendering such pickup and delivery service within any portions of Arcadia located within three miles of the City of Sierra Madre. Decision No. 46624 will be modified to such extent. Except as so modified said Decision No. 46624 will be affirmed. It appears unnecessary to discuss any arguments presented by defendant as they are fully covered in the opinion of said Decision No. 46624.

ORDER ON REHEARING

Public hearings having been held, the Commission now being fully advised and basing its order upon the findings and conclusions in Decision No. 46624 as modified by the opinion herein,

IT IS ORDERED:

(1) That the first ordering paragraph of said Decision No. 46624 be, and it hereby is amended by deleting therefrom all reference to the point or place therein designated as Montebello.

(2) That the second ordering paragraph of said Decision No. 46624 be, and it hereby is amended by adding to subparagraph (a) of said ordering paragraph No. (2) the following words and figures:

"provided, however, that pickup and delivery service

(1) Decision No. 39413 dated September 17, 1946.

(2) Decision No. 26653, dated December 18, 1933, in Application No. 18821.

may be rendered in any territory referred to in this subparagraph a which lies and is within three miles of the boundary of the City of Siorra Madre, California".

(3) That subparagraph b of said ordering Paragraph No. 2 of said Decision No. 46624 be, and it hereby is deleted entirely.

(4) Except as modified by ordering paragraphs (1) (2) and (3) herein said Decision be, and it hereby is affirmed and reenacted.

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

Dated at San Francisco, California, this 31 day of June, 1952.

[Signature]

PRESIDENT

[Signature]

[Signature]

[Signature]

COMMISSIONERS

Commissioner JUSTUS F. CRAEMER, being necessarily absent, did not participate in the disposition of this proceeding.