

ORIGINAL

Decision No. 48405

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GEORGE C. WIEDEMAN and FERN P. WIEDEMAN,
 copartners, doing business as BROOMCRIST
 AND WIEDEMAN, for a certificate of
 public convenience and necessity to
 transport property by auto truck as a
 common carrier between Garnet and the
 Marine Corps Field Artillery and Anti-
 Aircraft Training Center near Twenty-
 Nine Palms.

Application No. 33528

Turcotte & Goldsmith by F. W. Turcotte, for
 applicant. Southern California Freight Lines by
H. P. Merry and H. J. Bischoff, protestant. Glanz
 and Russell by Arthur Glanz, interested party.

O P I N I O N

Applicant herein requests authority to operate as a highway common carrier for the transportation of general commodities with certain exceptions as set out in the application, between Garnet, California, on the one hand, and the Marine Corps Field Artillery and Anti-Aircraft Training Center (sometimes referred to as the United States Marine Corps Artillery Range), located approximately six miles northerly of the community of Twentynine Palms, on the other hand. It is proposed to conduct these operations over U. S. Highways 60, 70 and 99 between Garnet and the intersection of the said U. S. Highways with an unnumbered highway approximately 4.2 miles west of Garnet, thence over the unnumbered highway to

its intersection with Adobe Road at Twentynine Palms, thence over Adobe Road to the Marine Corps Field Artillery and Anti-Aircraft Training Center, and return over the same route. Applicant proposes to serve from, to, and between all intermediate points between Garnet and the Marine Base.

Public hearings were held before Examiner Syphers on August 26, 1952, at San Bernardino, August 27, 1952, at Twentynine Palms, and September 8, 1952, at Los Angeles. On these dates evidence was adduced and on the last-named date the matter was submitted. It is now ready for decision.

Applicant is a partnership consisting of George C. and Fern P. Wiedeman, maintaining its principal place of business at 936 West Third Street, San Bernardino. It operates a wholesale produce business, and, in connection therewith, also operates a highway common carrier trucking service, the operating authority for which is set out in Decision No. 44229, dated May 23, 1950, in Application No. 30879. In the conduct of its produce business it uses its trucking equipment to make deliveries to its customers. The same trucking equipment is also used in the conduct of its public carrier activities.

The equipment applicant presently owns, as set out in Exhibit 1, is not adapted to the so-called heavier hauls. Accordingly, applicant has made arrangements to lease some heavy equipment to use in the Twentynine Palms and Marine Base hauling. This equipment is listed on Exhibit 8.

The service proposed will be on call and also on an overnight basis. The applicant intends to establish an additional terminal at the Twentynine Palms Marine Base. The rates proposed are those in Local and Proportional Freight Tariff No. 18A, Cal. P.U.C. No. 10, of Southwestern Motor Tariff Bureau, J. L. Beeler, Agent.

The manager of applicant company presented testimony as to the proposed operations, and in addition presented exhibits relating thereto. Exhibit 1 is a list of the equipment owned by applicant; Exhibit 2 is a freight income and expense statement for the period January 1 to December 31, 1951; and Exhibit 3 is a similar statement for the period January 1 to May 31, 1952. Exhibit 4 is a balance sheet as of May 31, 1952. This witness also testified that the Marine Corps Artillery Base is now being constructed and that the general contractor has asked applicant to provide some service to the Base during the construction period. The witness stated that his company does not have mechanically refrigerated units, but that the hauling which requires refrigeration is carried in insulated vans with the aid of dry ice.

Applicant presented, either by direct testimony or by stipulation, the testimony of nineteen public witnesses. An analysis of this testimony discloses that these shippers, for the most part, are now shipping to the Twentynine Palms area either on their own trucks, the trucks of permitted carriers, or by using Southern California Freight Lines. The principal reasons advanced for desiring another certificated carrier in

the area were that some of the shippers desired competition, some had used applicant in other areas and found its services satisfactory, and a few complained about the existing service of Southern California Freight Lines, in that it was alleged that there were occasional delays. Some of the witnesses were not now shipping into the area but contemplated doing so if they could obtain business with the Marine Base or in Twentynine Palms.

One witness testified, as traffic coordinator for the Marine Base, that there would be a need for hauling there in the near future and that, in his opinion, Southern California Freight Lines would not completely meet that need. This witness, while testifying that the need was for truck service from rail heads in San Bernardino and Garnet, stated that he had not checked as to the truck rates from the Los Angeles area to the Marine Base, as compared with the rates for rail shipments to San Bernardino and Garnet, and truck shipments from those points to the Base. Neither had he checked as to the equipment of applicant. He stated that Southern California Freight Lines service had not proven satisfactory, principally because its rates were approximately six per cent higher than other carriers, but it was developed that these rates are now no higher since the minimum rates of the permitted carriers have been raised to the same level. This witness presented Exhibits 5 and 6, which are maps of the area in question. This same witness also presented testimony as to the growth in the Twentynine Palms area, and illustrated this growth by an exhibit presented as

Exhibit 9, showing the dollar value of the construction for which building permits were issued during the period from January 1, 1949, to July 31, 1952. In this connection, a stipulation was entered into showing the population of Twentynine Palms, as of June 30, 1949, to be 3,829 people, and the population of other towns in the area to be, on July 31, 1947, as follows: Yucca Valley, 799; Joshua Tree, 823; Morongo Valley, 504; and Pioneertown, 151.

A witness appeared in opposition to the proposal, representing a provision company in Twentynine Palms. This witness testified that this company transports its own produce and in addition has permits from the Public Utilities Commission to operate as a so-called permitted carrier. In the opinion of this witness, there was no need for additional service in the area.

A witness for Southern California Freight Lines presented testimony showing the operations of this carrier. Exhibit 10 is a list of the equipment of this carrier, and Exhibit 11 is a list of representative shipments handled to the area herein proposed to be served on various dates during the years 1950, 1951 and 1952. This carrier maintains a terminal at Colton where equipment is maintained and a freight dock, office and shop are located. Daily service, Monday through Friday, is provided to Twentynine Palms and intermediate points. Likewise, this carrier maintains a terminal at Banning.

Southern California Freight Lines conducted a survey of all of the consignees of record receiving shipments via the lines of Southern California Freight Lines during March, April, May and the first week in June 1952, at Whitewater and Twenty-nine Palms and intermediate points. This survey consisted of sending out a card inquiring as to whether or not shipments were being made over the lines of Southern California Freight Lines, whether or not the service was satisfactory, and asking for suggestions or complaints. A sample of one of these cards was received as Exhibit 12, and the results of the survey were set out in Exhibit 13. This survey showed that, of 520 communications mailed, there were 227 replies, and of these only one indicated that the existing service was unsatisfactory.

A consideration of all of the evidence presented herein leads us to the conclusion, and we now find, that applicant is willing and able to provide the service requested. We further find that public convenience and necessity require the proposed service. The record is clear that there will be a need for service to the Marine Base.

O R D E R

Application as above entitled having been filed, public hearings having been held thereon, the matter having been submitted, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity, authorizing operations as a highway common carrier as defined

in Section 213 of the Public Utilities Code, be, and it hereby is, granted to George C. Wiedeman and Fern P. Wiedeman, doing business as Broomerist and Wiedeman, for the transportation of general commodities with the following exceptions:

- a. Uncrated household goods
- b. Livestock
- c. Commodities in bulk
- d. Articles of extraordinary value
- e. Commodities injurious or contaminating to other lading
- f. Uncrated, unpacked, and unwrapped new furniture

between Garnet, California, on the one hand, and the Marine Corps Field Artillery and Anti-Aircraft Training Center (sometimes referred to as the United States Marine Corps Artillery Range) located approximately six miles northerly of the community of Twentynine Palms, on the other hand, including all intermediate points, as an enlargement and extension of applicant's present operating authority.

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

- (a) Within thirty (30) days after the effective date hereof, applicant 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, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and time tables satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, George C. Wiedeman and Fern P. Wiedeman, copartners, doing business as Broomerist and Wiedeman, shall conduct said highway common carrier service between the following points and over the following routes:

Commencing at Garnet, California, thence via U. S. Highway 60-70 to the intersection of said U. S. Highways with an unnumbered highway approximately 4.2 miles west of Garnet, thence via said unnumbered highway to its intersection with Adobe Road at Twentynine Palms, thence over Adobe Road to the Marine Corps Field Artillery and Anti-Aircraft Training Center, returning via the same route, serving from, to, and between all intermediate points.

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

Dated at San Francisco, California, this 22nd day of December, 1952.

O. F. [Signature]
President
Justus F. [Signature]
Harold St. [Signature]
[Signature]
[Signature]
Commissioners