

ORIGINALDecision No. 48291

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 D. A. BROWN TRUCKING CO., for a)
 certificate to operate as a highway)
 common carrier for the transportation)
 of property.)

Application No. 33390
 (Filed May 6, 1952.)

In the Matter of the Application of)
 CHESLEY TRANSPORTATION CO., INC., for)
 a certificate to operate as a highway)
 common carrier for the transportation)
 of property.)

Application No. 33391
 (Filed May 6, 1952.)

In the Matter of the Application of)
 HAROLD H. COE and MARY F. MOSS, dba)
 CARL INGALLS TRUCKING COMPANY for a)
 certificate to operate as a highway)
 common carrier for the transportation)
 of property.)

Application No. 33392
 (Filed May 6, 1952.)

Phil Jacobson, for applicants.

Douglas Brookman, for California Motor Express, Ltd., and Merchants Express Corporation, protestants.

Willard S. Johnson, for J. A. Nevis Trucking, protestant.

Marvin Handler, for Lodi Truck Service, Associated Transportation Company, Callison Truck Lines, Butler Freight Service, Hawkey Transportation and Winans Brothers, protestants.

J. H. Rhodes, John B. Robinson and H. P. Merry, for Southern California Freight Lines and Southern California Freight Forwarders, protestants.

Warren H. Biscailuz, Pacific Freight Lines and Pacific Freight Lines Express, protestants.

Robert W. Walker, Joe Araiza and Wallace L. Ware, for Atchison, Topeka & Santa Fe Railway Company and Santa Fe Transportation Company, protestants.

Bart F. Wade, for Asbury Transportation Co., protestant.

Bertram S. Silver and Edward M. Berol, for Sacramento Freight Lines and Fortier Transportation Co., protestants.

Frederick W. Mielke, for Delta Lines, Inc., interested party.

Rush Swoape, for Rush Swoape Trucking Company, interested party.

C. A. Millen, for Valley Motor Lines, Inc., and Valley Express Co., interested parties.

O P I N I O N

D. A. Brown Trucking Co., Chesley Transportation Co., Inc., and Harold H. Coe and Mary F. Moss, copartners doing business as Carl Ingalls Trucking Company, each seek a certificate of public convenience and necessity to operate as a highway common carrier for

the transportation of property necessary or incidental to the establishment, maintenance, or dismantling of oil, gas or water wells, pipe lines, refineries and cracking or casing head plants, equipment and material used in construction and equipment used in farming over and along the following routes:

U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and California-Mexico Line;

U. S. 99, 99-E and 99-W between Oregon-California State Line and the Mexican Border;

U. S. 299 between Redding and Alturas, California;

U. S. 395 between the Oregon-California State Line and the California-Nevada State line, via Alturas and Johnstonville;

State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;

State Highway 20 between Marysville, California, and Junction U. S. 40;

U. S. 40 between San Francisco and California-Nevada State Line;

U. S. 50 between Sacramento, California, and California-Nevada State Line;

U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;

U. S. 66 between Los Angeles and Needles, California;

U. S. 60 between Los Angeles, California, and California-Arizona State Line;

U. S. 91 and 466 between Barstow and Nevada-California State Line;

U. S. 80 between San Diego and California-Arizona State Line;

State Highway 127 between Baker and Nevada-California State Line;

subject to the following restrictions:

- (1) Applicant shall not transport any shipment which shall carry a charge lower than that applicable to a shipment of 10,000 pounds.
- (2) Transportation shall be limited to commodities originating at or destined to an oil well site, construction site, farm or storage yard.

Public hearings were held at San Francisco, Los Angeles and Bakersfield before Examiner Silverhart on June 26, 27, November 3, December 15, 16, 1952, and January 27, 1953. The matters were argued orally and submitted on January 27, 1953.

Chesley Transportation Co., Inc., maintains its principal place of business at Long Beach. D. A. Brown Trucking Co., maintains its principal place of business at Bakersfield as do Harold H. Coe and Mary F. Moss.

Applicants have conducted for-hire trucking operations in California for long periods of time and presently render their services pursuant to permits issued by this Commission.

The record discloses that applicants possess adequate financial resources and the types of equipment required to perform the transportation proposed herein.

According to applicants' testimony they transport truckload shipments, consisting of complete well digging rigs and heavy construction equipment among other things, to various points throughout California such as the proven oil fields, points within oil fields, exploratory oil well sites, storage yards and construction sites. Exhibits placed in evidence by applicants show that their activities are almost exclusively devoted to the carriage of materials and equipment used in connection with oil and water wells and construction work.

Representatives of major oil companies and concerns engaged in the business of drilling oil and gas wells testified in support of the applications. It appears from such testimony that their drilling activities are being conducted not only in the proven fields but at various points throughout the state, that their materials and equipment are transported between fields and warehouses, within fields, between yards and warehouses, between sites

and warehouses and between fields and sites, that such transportation requires the skilled personnel and special equipment possessed by applicants, that sites are long distances from the highway necessitating the construction of a road thereto and the hauling of equipment in connection therewith, and that applicants' services have been used for such transportation and are needed.

Witnesses representing companies employed in the building of highways and bridges and construction of power and compressor plants testified as to their need for the transportation by applicants of such items as bulldozers, motor patrols, wheel tractors, boilers and pipe.

Protestants J. A. Nevis Trucking, Associated Transportation Company, Lodi Truck Service, Hawkey Transportation, Warren Transportation Company, Callison Truck Lines, Sacramento Freight Lines, Fortier Transportation Company, Pacific Freight Lines, Atchison, Topeka & Santa Fe Railway Company and Santa Fe Transportation Company described the areas they served and type of service rendered. Southern California Freight Lines presented exhibits showing its equipment, stations and rates between various points. The other protestants did not present any testimony.

The evidence shows that protestants do not provide the kind of service presently afforded by applicants, as herein proposed, nor do they possess the requisite equipment so to do.

The testimony of the public witnesses, taken together with the evidence of applicants' past operations, demonstrates a public need for their services in the transportation of property necessary or incidental to the establishment, maintenance, or dismantling of oil, gas or water wells, pipe lines, refineries, and cracking or casing head plants, and material and equipment used in construction of roads, dams, bridges, power plants and compressor plants. However,

the record does not establish a public need for applicants to furnish services for the transportation of iron and steel articles and tin plate having their origin or destination at Pittsburg, lumber and forest products, and equipment used in farming.

After careful consideration of the entire record, we find that public convenience and necessity require the establishment and operation of a service by applicants as highway common carriers to the extent set forth in and subject to the conditions and limitations contained in the ensuing order.

Applicants are hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

ORDER

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

IT IS ORDERED:

(I) That a certificate of public convenience and necessity is granted to D. A. Brown Trucking Company authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of:

- (a) Property necessary or incidental to the establishment, maintenance or dismantling of oil, gas or water wells, pipe lines, refineries and cracking or casing head plants.

- (B) Material and equipment used in the construction of roads, dams and bridges.
- (C) Material and equipment used in the construction of and destined for power and compressor plants.

over and along the following routes:

- (1) U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and California-Mexico Line;
- (2) U. S. 99, 99-E and 99-W between Oregon-California State Line and the Mexican Border;
- (3) U. S. 299 between Redding and Alturas, California;
- (4) U. S. 395 between the Oregon-California State Line and the California-Nevada State line, via Alturas and Johnstonville;
- (5) State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;
- (6) State Highway 20 between Marysville, California, and Junction U. S. 40;
- (7) U. S. 40 between San Francisco and California-Nevada State Line;
- (8) U. S. 50 between Sacramento, California, and California-Nevada State Line;
- (9) U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
- (10) U. S. 66 between Los Angeles and Needles, California;
- (11) U. S. 60 between Los Angeles, California, and California-Arizona State Line;
- (12) U. S. 91 and 466 between Barstow and Nevada-California State Line;
- (13) U. S. 80 between San Diego and California-Arizona State Line;
- (14) State Highway 127 between Baker and Nevada-California State Line;

with the right to make lateral departures therefrom within a radius of 50 miles of such routes.

II That a certificate of public convenience and necessity is granted to Chesley Transportation Co., Inc., authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of:

- (A) Property necessary or incidental to the establishment, maintenance or dismantling of oil, gas or water wells, pipe lines, refineries and cracking or casing head plants.
- (B) Material and equipment used in the construction of roads, dams and bridges.
- (C) Material and equipment used in the construction of and destined for power and compressor plants.

over and along the following routes:

- (1) U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and California-Mexico Line;
- (2) U. S. 99, 99-E and 99-W between Oregon-California State Line and the Mexican Border;
- (3) U. S. 299 between Redding and Alturas, California;
- (4) U. S. 395 between the Oregon-California State Line and the California-Nevada State line, via Alturas and Johnstonsville;
- (5) State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonsville;
- (6) State Highway 20 between Marysville, California, and Junction U. S. 40;
- (7) U. S. 40 between San Francisco and California-Nevada State Line;
- (8) U. S. 50 between Sacramento, California, and California-Nevada State Line;
- (9) U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
- (10) U. S. 66 between Los Angeles and Needles, California;
- (11) U. S. 60 between Los Angeles, California, and California-Arizona State Line;
- (12) U. S. 91 and 466 between Barstow and Nevada-California State Line;
- (13) U. S. 80 between San Diego and California-Arizona State Line;
- (14) State Highway 127 between Baker and Nevada-California State Line;

with the right to make lateral departures therefrom within a radius of 50 miles of such routes.

III That a certificate of public convenience and necessity is granted to Harold H. Coe and Mary F. Moss authorizing them to

operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of:

- (A) Property necessary or incidental to the establishment, maintenance or dismantling of oil, gas or water wells, pipe lines, refineries and cracking or casing head plants.
- (B) Material and equipment used in the construction of roads, dams and bridges.
- (C) Material and equipment used in the construction of and destined for power and compressor plants.

over and along the following routes:

- (1) U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and California-Mexico Line;
- (2) U. S. 99, 99-E and 99-W between Oregon-California State Line and the Mexican Border;
- (3) U. S. 299 between Redding and Alturas, California;
- (4) U. S. 395 between the Oregon-California State Line and the California-Nevada State line, via Alturas and Johnstonville;
- (5) State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;
- (6) State Highway 20 between Marysville, California, and Junction U. S. 40;
- (7) U. S. 40 between San Francisco and California-Nevada State Line;
- (8) U. S. 50 between Sacramento, California, and California-Nevada State Line;
- (9) U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
- (10) U. S. 66 between Los Angeles and Needles, California;
- (11) U. S. 60 between Los Angeles, California, and California-Arizona State Line;
- (12) U. S. 91 and 466 between Barstow and Nevada-California State Line;
- (13) U. S. 80 between San Diego and California-Arizona State Line;
- (14) State Highway 127 between Baker and Nevada-California State Line;

with the right to make lateral departures therefrom within a radius

of 50 miles of such routes.

(IV) That each of the certificates herein granted is subject to the following conditions and limitations:

(A) Applicants shall not transport any shipment which shall carry a charge lower than applicable to a shipment of 10,000 pounds.

(B) Applicants shall not transport any shipments of lumber and forest products except in connection with the transportation referred to in paragraphs I (A), II (A) and III (A) hereof.

(C) Applicants shall not transport any shipments of iron and steel articles and tin plate, having their origin or destination at Pittsburg.

(D) Transportation performed under the authorities herein granted shall be limited to commodities originating at or destined to an oil-well site, construction site or storage yard.

(V) That in providing service pursuant to the certificates herein granted, applicants shall comply with the following service regulations:

(A) Applicants shall file a written acceptance of the certificates herein granted within thirty days after the effective date hereof.

(B) Within 60 days after the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicants shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs satisfactory to the Commission.

(VI) That in all other respects Applications Nos. 33390, 33391 and 33392 are denied.

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

Dated at San Francisco, California, this 17th day of February, 1953.

R. J. Drummond
 PRESIDENT
Justice F. C. ...
Harold P. ...
Samuel P. ...
John E. ...
 COMMISSIONERS