

ORIGINALDecision No. 48671

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. CHRISTENSON CO., a corporation,)
 to modify restriction and to extend)
 its highway common carrier service) Application No. 33936
 from end to Healdsburg, St. Helena,)
 Colfax, Stirling City, and certain)
 other points in California.)

APPEARANCES

Willard S. Johnson, for applicant
Orville A. Schulenberg, for Kings County
 Truck Lines and Moser Frozen Food Freight
 Line, protestants
C. A. Mullen, for Valley Express Co., and
 Valley Motor Lines, Inc., interested party.

O P I N I O N

J. Christenson Co., presently certificated as a highway common carrier for the transportation of commodities in insulated vehicles equipped with mechanical temperature control systems between numerous points in central and northern California bounded generally by Redding, on the north; Santa Rosa, Bodega Bay and Monterey, along the coast; Grass Valley, Auburn and Folsom, on the east; and Tulare, Lindsay and Porterville, on the south, seeks authority to:

1. Extend its service to such points as Stirling City, Colfax and Buena Vista, on the east; Geyserville, Healdsburg and Calistoga on the west; Sunnyvale, Big Basin and Boulder Creek, along the coast. Tipton and Bakersfield along U. S. Highway 99, on the south; Coalinga and Maricopa along State Highway 33, on the south.
2. Amend the condition in its certificate which provides:

"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."

to read:

"The line-haul (intercity) transportation of all commodities other than containers; packaging materials; labels; ice cream preparations, dry; milk, powdered; milk, malted, dry; and milk food, dry, shall be in insulated vehicles equipped with temperature control systems."

Public hearings were held at San Francisco and Fresno before Examiner Silverhart on March 23, 24, 25, 27 and May 5, 1953 on which last date the matter was submitted.

Kings County Truck Lines and Moser's Frozen Food Freight Line protested the granting of the application. Such protests were confined to the portion of the application dealing with territorial extensions.

Applicant proposes to maintain its present time schedules and incorporate therein service to the new areas together with an on-call service. The rates to be assessed, and the rule and regulations in connection therewith, will be the same as now contained in its Tariff No. 1-A, Cal. P.U.C. No. 2, presently filed with the Commission.

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 general manager stated that it has been requested by shippers for whom it has been providing service, to transport their commodities between points within its authorized territory and points within the proposed area.

According to the witness, applicant desired a modification of the condition set forth in order to enable it to utilize non-mechanical as well as mechanical temperature control systems. He said that new developments in the field of refrigeration, other than mechanical systems afforded certain advantages by way of localized temperature control, increased load capacity, and operating economy.

The witness stated that applicant has experimented with a reusable, odorless chemical refrigerant packaged in canvas tubes and found it satisfactorily performed the function for which it was intended and was practical.

An official of a company located at Oakland, California engaged in the manufacture of the chemical refrigerant with which applicant experimented described some of its qualities. He stated that it is a colloid which holds liquids in suspension and can be frozen, thawed and refrozen many times; that it is packaged in plastic or canvas in bricks, slabs and truck logs; that it produces varying degrees of temperature ranging from 8° below zero (F) to 30° above (F); that it refrigerates both fresh and frozen commodities; that it does not generate obnoxious odors or gases; that it is safe to handle and for use in an enclosed space; that it enables the transportation of different commodities at varying required degrees of temperature within the same vehicle; that leading dairies are utilizing it.

Representatives of firms which maintain plants at San Francisco, Hughson, Galt, San Pablo, Oakland, Santa Clara, Sacramento, Fresno, Modesto 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's proposed extension of its service is needed and will be used if the authority sought herein is granted.

The evidence indicates that presently there is no temperature control service offered to various points within the proposed

area. Several witnesses who receive commodities requiring temperature control in transit testified that applicant's proposal would afford them a direct service and make it possible for them to discontinue use of their own trucks between their places of business and points applicant presently serves.

The protestants gave evidence as to their equipment, areas served and type of service rendered.

Of the four public witnesses called by protestants one represented a creamery association engaged in shipping butter, cream and cheese from Fresno to Bakersfield. The other three were officials of companies located in Bakersfield and to which shipments of frozen foods and other items requiring refrigeration were consigned. The testimony of the shipper witness disclosed that while Kings County Truck Lines' service was good and adequate for his transportation requirements to Bakersfield he had no objection to additional service if offered. The other three witnesses stated that protestants' services were satisfactory and adequate for their needs. Their testimony showed that although some of their shipments issued from Fresno and San Francisco the bulk of their shipments originated at Los Angeles, a point outside the scope of this application.

The Commission has heretofore indicated that testimony of witnesses produced by protestants, that such protestants' services were satisfactory and adequate for their needs, demonstrates only that such services are adequate as to that portion of the public represented by such witnesses and that such testimony does not circumscribe the testimony of witnesses produced by the applicant. (See Decision No. 46075 dated August 14, 1951).

After careful consideration of the entire record the Commission finds that public convenience and necessity require the establishment and operation of a service by applicant as a highway common carrier for the transportation of property, as described in

and between the points set forth in the ensuing order.

O R D E R

Public hearings having been held 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:

(1) All points J. Christenson Co., is presently authorized to serve and all points and places on and within five miles laterally of the following routes:

- (a) U. S. Highway 101 between Santa Rosa and Geyserville;
- (b) California Highway 28 between Geyserville and Calistoga;
- (c) California Highway 29 between Calistoga and Napa;
- (d) Unnumbered county road between Calistoga and Fulton;
- (e) Unnumbered county road between Vacaville and Zamora;
- (f) California Highway 28 between Winters and Davis;
- (g) U. S. Highway 40 between Auburn and Colfax;

- (h) Unnumbered county road between Colfax and Grass Valley, via Buena Vista;
- (i) California Highway 45 between Knights Landing and Hamilton City;
- (j) Unnumbered county road between Redding and Summit City;
- (k) U. S. Highway 99 between Redding and Project City;
- (l) Unnumbered county road between Project City and Summit City;
- (m) Unnumbered county road between Paradise and Stirling City;
- (n) Unnumbered county road between Sacramento and Marysville, via Rio Linda, Elverta and Trowbridge;
- (o) Unnumbered county road between Steekton and Sacramento, via Thornton and Franklin;
- (p) U. S. Highway 99 between Tulare and Greenfield;
- (q) Unnumbered county road between Porterville and Tipton;
- (r) Unnumbered county road between its intersection with U. S. Highway 99 approximately 3 miles south of Tipton and its intersection with unnumbered county road commonly known as Central Valley Highway, approximately 9 miles south of Corcoran;
- (s) Unnumbered county road commonly known as Central Valley Highway, between Hanford and its intersection with California Highway 178 near Rosedale, via Corcoran and Wasco;
- (t) California Highway 9 between Santa Cruz and Sunnyvale;
- (u) Unnumbered county road between Boulder Creek and Big Basin;
- (v) California Highway 178 between Bakersfield and Mendota; thence California Highway 33 between Mendota and Maricopa;
- (w) California Highway 399 between Taft and its intersection with U. S. Highway 99 at Greenfield.
- (x) California Highway 198 between Lemoore and junction with California Highway 33 approximately 9 miles north of Coalinga.

(2) All points and places on and within five miles laterally of the routes and points specified in subparagraphs (a) through (x) above.

2. That ordering paragraph (2)(a) of Decision No. 46875, dated March 17, 1952, in Application No. 32838 is amended to read:

"The line-haul (intercity) transportation of all commodities other than containers; packaging materials; labels; ice cream preparations, dry; milk, powdered; milk, malted, dry; and milk food, dry, shall be in insulated vehicles equipped with temperature control systems."

3. That the certificate herein granted is subject to the conditions and limitations set forth in ordering paragraph (2)(a) and (b) of Decision No. 46875, as hereinabove amended.

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

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 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, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective, appropriate tariffs.
- (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 enumerated in paragraph 1.

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

Dated at San Francisco California, this 11 day of June, 1953.

[Signature]
James F. Casper President
[Signature]
[Signature]

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.