

ORIGINAL

Decision No. 49102

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 A. D. WOOLLEY and R. E. WOOLLEY)
 copartners doing business as)
 SHIPPERS EXPRESS COMPANY, formerly)
 WESTERN TRANSPORT COMPANY, for a)
 certificate of public convenience)
 and necessity as a Highway Common)
 Carrier for the Transportation of)
 General Commodities between Los)
 Angeles Territory, on the one hand,)
 and part of San Francisco Territory,)
 on the other hand.)

Application No. 34022

Scott Elder, for applicants.
C. A. Millen, for Valley Express Company and
 Valley Motor Lines, Inc., interested parties.
M. D. Savage, Jr., for Savage Transportation
 Company, Inc.; E. L. H. Bissinger and
William Meinhold, for Southern Pacific
 Company, Pacific Motor Trucking Company and
 Railway Express Agency, Inc.; Douglas Brookman,
 for California Motor Express, Ltd. and
 California Motor Transport Co., Ltd.; John B.
Robinson, for Southern California Freight
 Lines and Southern California Freight
 Forwarders; Robert W. Walker, Richard K.
Knowlton and Wallace L. Ware, for Santa Fe
 Transportation Company and The Atchison,
 Topeka and Santa Fe Railway Company;
W. H. Biscailuz, for Pacific Freight Lines
 and Pacific Freight Lines Express; Lloyd R.
Guerra, for Western Truck Lines, Ltd.,
 protestants.

O P I N I O N

Applicants, A. D. Woolley and R. E. Woolley, doing busi-
 ness as Shippers Express Company, by their application filed
 January 15, 1953, seek authority to extend their highway common
 carrier service for the transportation of general commodities^{1/}

^{1/} General commodities, excepting uncrated household goods and
 other commodities for which minimum rates are prescribed in
 City Carriers' Tariff No. 3 and Highway Carriers' Tariff No. 4,
 livestock, commodities in bulk, articles of extraordinary
 value, and dangerous explosives.

between the Los Angeles territory and that portion of the San Francisco territory north of Santa Clara County.

A public hearing was held before Examiner Daly on May 25, 1953 at Los Angeles, May 28, 1953 and August 5, 1953, at San Francisco.

Proposed Service

Applicants presently possess authority for the transportation of general commodities between the Los Angeles territory and the southern portion of the San Francisco territory. They also possess authority for the transportation of fresh fruits and vegetables between the entire San Francisco territory and Santa Clara territory, on the one hand, and Southern California territories on the other hand.

Terminals are leased and maintained at Sunnyvale, Watsonville, Gilroy, San Jose and Los Angeles. If the authority herein sought is granted, it is proposed that an additional terminal would be located at either San Francisco or Oakland. The existing equipment, consisting of approximately 90 pieces, would be used in providing the proposed extended service. The rates would be the same as those which applicants presently have on file with the Commission applicable to the San Francisco territory. Service would be daily Monday through Friday, except holidays, with deliveries being made on Saturday upon special request.

Public Witness Testimony

Seven public witnesses testified in Los Angeles representing businesses located at Burbank, Glendale, Hollywood, Los Angeles and Vernon. These witnesses testified that they ship to the Bay area and use applicants under their certificate to San Jose and points adjacent thereto. In addition they testified that they presently use applicants as a permitted carrier on larger shipments

to points north of Palo Alto. They stated that they have used applicants in the past and were satisfied with the service. The proposed service, they felt, would fill their transportation needs for various reasons, among them being the convenience of split deliveries and the use of one carrier for all pickups destined to the San Francisco territory. The latter reason was given in most cases where the shipper possessed limited dock space.

Seven public witnesses also testified in San Francisco representing business concerns located at Centerville, Niles, San Carlos, San Francisco and San Mateo. These witnesses testified to the effect that they have used applicants for many years as a permitted carrier to the Los Angeles territory. They found the service of applicants to be satisfactory and desired to continue its use as a highway common carrier. Several stated that it would be a convenience to them, in their use of applicants, if the facilities of a local terminal were made available.

Past Operations

Applicant, R. E. Woolley, testified that they have rendered service for many years to and from the northern portion of the San Francisco territory. The growth and development of this operation, he stated, has resulted in a doubt as to the legal status of their permitted operations and as a consequence the instant application was filed.

Exhibit No. 4 consisted of a statement showing freight, exclusive of fresh fruits and vegetables, transported by applicants between the areas herein considered for selected two-week periods during the months of June, August and October 1952. A breakdown of this exhibit disclosed the following:

Total Consignors of Prepaid Shipments	72
Total Consignees of Collect Shipments	65
Consignors of Collect Shipments Who Called for Service	35
Consignees of Prepaid Shipments Who Called for Service	17

Total Pounds Transported Monthly
June 1952-December 1952 Inclusive

	Pounds	
	South Bound	North Bound
June	993,322	3,297,114
July	1,156,775	2,631,630
August	1,459,977	3,009,640
September	1,429,054	2,743,112
October	1,333,449	3,489,353
November	1,107,855	2,087,781
December	1,182,275	1,983,659
Total	8,652,708	19,222,289
Grand Total		27,904,997

In addition to the public witnesses' testimony and exhibits reflecting past operations, applicants introduced exhibits indicating the substantial population increase within the proposed area.

Protestants Showing

For the most part protestants submitted their case on stipulations. The stipulations were to the effect that if called a representative of each protestant would testify to the existing operations of his respective company. Briefly summarized these operations indicate that protestants maintain terminal facilities and operate daily overnight schedules between the points herein considered. Exhibits attached to the stipulations reflect in detail the scope of these operations. In addition it was stipulated that it was the position of protestants that the certification of an additional carrier would result in a diversion of traffic from the existing highway common carriers which would have an adverse effect upon the schedules and service presently offered.

Conclusion

The Commission is mindful of the fact that applicants were certificated along with those carriers which constituted the so-called Savage group. Their application limited the proposal of service on general commodities to the southern portion of the San Francisco territory, whereas the proposal of Sterling Truck Lines, another of the group, was limited to the northern portion of

the territory. Subsequently, Sterling Truck Lines was authorized to serve the whole of the area. Applicants here seek the same right.

After full consideration of the evidence the Commission finds that applicants have served points in the northern portion of the San Francisco territory for the purpose of providing a complete service to their customers, a need for which has been herein expressed. It is further found that protestants possess the necessary facilities, equipment and financial ability to provide the daily overnight service they offer to that portion of the public which they serve. It is also found that there is no evidence that the granting of the certificate herein sought will result in such a diversion of traffic from the existing carriers as to adversely effect the service which they presently render. Finally the Commission finds that public convenience and necessity require the granting of the authority sought.

O R D E R

An application having been filed, a public hearing having been held thereon, the matter having been submitted, the Commission being informed in the premises and it having been found that public convenience and necessity so require,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is hereby granted to A. D. Woolley and R. E. Woolley authorizing the establishment and operation of service as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of general commodities, except uncrated household goods and other commodities for which minimum rates are prescribed in City Carriers' Tariff No. 3 and Highway Carriers' Tariff No. 4, livestock, commodities in bulk, articles of extraordinary value and dangerous explosives, between the Los Angeles territory, as presently authorized to serve, on the one hand, and that portion of the San Francisco

territory, as defined by Item 270-A Series of Highway Carriers' Tariff No. 2, which applicants are not now authorized to serve, on the other hand.

2. That in providing service pursuant to the certificate granted, applicants shall comply with and observe the following service regulations:
 - a. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty days after the effective date hereof.
 - b. Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicants shall establish the service herein authorized and shall file in triplicate and concurrently make effective appropriate tariffs and time schedules.

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

Dated at San Francisco, California, this 15th day of September, 1953.

A. J. ...
 President
Justin J. ...
Harold P. ...
Fremont ...
...
 Commissioners