

ORIGINALDecision No. 49684

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PENINSULA MOTOR EXPRESS, a corpora-)
 tion, for a certificate of public)
 convenience and necessity to serve)
 various intermediate points on routes,) Application No. 34212
 or in the vicinity of routes, pres-)
 ently authorized in the Bay Area,)
 Hayward, and south to San Jose.)

Arthur Glanz, for applicant.
John F. Balaam, for Peerless Stages, Inc.;
Willard S. Johnson, for J. Christenson,
 interested parties.

O P I N I O N

Applicant is presently engaged in the business of a highway common carrier between San Francisco and Los Gatos and San Jose and intermediate points, and between various East Bay cities, on the one hand, and points on the Peninsula, on the other hand, excepting between East Bay cities, Hayward and north, and San Francisco under Commission authority. By this application, filed April 3, 1953, applicant requests a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities except (a) petroleum and petroleum products in bulk in tank trucks, (b) livestock, (c) used uncrated, unwrapped and unpacked household goods, and (d) perishable commodities when transported in insulated vans with mechanical refrigeration (1) between San Francisco and Hayward, (2) between all points now served, on the one hand, and, on the other hand, Mt. Eden, Alvarado, Centerville, Newark, Warm Springs,

(1) Decision No. 46714, dated February 5, 1952, in Application No. 32090, and Decision No. 44525, dated July 11, 1950, in Application No. 29438.

Milpitas, Alviso, Mission San Jose, Niles, Irvington and Decoto, (3) between said last named points, and (4) to and from all intermediate points on the routes hereinafter described and all off-route points within three miles of said routes.

The routes just referred to are described as follows:

- (a) Unnumbered route extending in a generally south-westerly direction from Hayward to Mt. Eden, thence along California Highway 17 to San Jose;
- (b) Unnumbered route extending in a southeasterly direction from Hayward via Niles and Mission San Jose to its junction with California Highway 17 at Warm Springs;
- (c) Unnumbered highway extending from Palo Alto in a generally northeasterly direction across Dumbarton Bridge to State Highway 17, including the branch of said route which proceeds through Newark and joins State Highway 17 near Centerville, the route which proceeds in a generally northerly direction to the point of Alvarado and the route which joins State Highway 17 approximately two miles northwest of Centerville;
- (d) State Highway 9 between Milpitas and Mountain View.

Applicant proposes to establish rates, rules and regulations governing the service in substantial conformity with those prescribed in Highway Carriers' Tariff No. 2 and at the level of other common carrier rates presently maintained.

Applicant proposes to provide its service at the points described herein upon a daily basis except Saturdays, Sundays, and holidays. It is the proposal of applicant to provide a minimum of one schedule daily to and from each of the points mentioned. The service proposed will be as follows: shipments picked up one day will be delivered at destination points on applicant's lines on the day following.

Public hearing was held before Examiner Rowe at San Francisco on January 25, 1954, at which time oral and documentary evidence was adduced and the matter duly submitted for decision.

All highway common carriers operating in the area were notified or appeared at the hearing, but no protest to the granting of the application was made. Ten public witnesses testified in support of the application, stating their respective needs for the proposed service and praising the efficiency and reliability of applicant in his past and present operations. In addition, the traffic manager of applicant testified that he had interviewed other representatives of shippers in the area and they had stated they needed and would use the proposed services and would be willing to appear and so testify, but that in view of the lack of protest the matter would be submitted without bringing them in as witnesses. From the evidence of record the Commission finds as a fact that the service proposed is required by public convenience and necessity and that applicant is financially able, qualified by experience, and possesses sufficient equipment to render properly the proposed service.

O R D E R

An application therefor having been filed, a public hearing having been held thereon, the matter having been duly submitted, the Commission being fully advised 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 hereby is, granted to Peninsula Motor Express 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 (a) petroleum and petroleum products in bulk in tank trucks, (b) livestock, (c) used uncrated, unwrapped and unpacked household goods, and (d) perishable

commodities when transported in insulated vans with mechanical refrigeration (1) between San Francisco and Hayward, (2) between all points now served, on the one hand, and, on the other hand; Mt. Eden, Alvarado, Centerville, Newark, Warm Springs, Milpitas, Alviso, Mission San Jose, Niles, Irvington and Decoto, (3) between said last named points, and (4) to and from all intermediate points on the routes hereinafter described and all off-route points within three miles of said routes.

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

- (a) Within a period of thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and on not less than five 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 satisfactory to the Commission.
- (c) Subject to the authority of the Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over its presently authorized routes and over and along the following routes:
 - (1) Unnumbered route extending in a generally southwesterly direction from Hayward to Mt. Eden, thence along California Highway 17 to San Jose;
 - (2) Unnumbered route extending in a southeasterly direction from Hayward via Niles and Mission San Jose to its junction with California Highway 17 at Warm Springs;
 - (3) Unnumbered highway extending from Palo Alto in a generally northeasterly direction across Dumbarton Bridge to State Highway 17, including the branch of said route which proceeds through Newark and joins State Highway 17 near Centerville, the route which proceeds in a generally northerly

direction to the point of Alvarado and the route which joins State Highway 17 approximately two miles northwest of Centerville;

- (4) State Highway 9 between Milpitas and Mountain View.

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

Dated at Santa Ana, California, this 16th day of February; 1954.

R. B. [Signature]
President
Justus J. [Signature]
[Signature]
[Signature]
[Signature]
Commissioners