

**ORIGINAL**Decision No. 49687

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 DELTA LINES, INC., a corporation, for )  
 a certificate of public convenience )  
 and necessity to extend highway common )  
 carrier operations to Travis Air Force )  
 Base. )

Application No. 34209

Commission Investigation into the )  
 operations and practices of )  
 DELTA LINES, INC., a corporation. )

Case No. 5496

Frederick W. Mielke, for applicant and  
 respondent.  
Frank Loughran and John A. O'Connell, for  
 Bonded Draying Service, protestant.  
Harold J. McCarthy, for the Commission staff.

O P I N I O N

By its application filed April 2, 1953, Delta Lines, Inc., seeks authority to extend its highway common carrier operations to Travis Air Force Base. (Hereinafter at times referred to as Travis or Base.)

On September 29, 1953, the Commission issued an order instituting investigation into the operations of Delta Lines, Inc., for the purpose of determining whether it was operating from San Francisco and Oakland, on the one hand, to Travis, on the other hand, as a highway common carrier without proper authority.

The matters were consolidated and public hearings were held before Commissioner Mitchell and Examiner Daly on October 7, 1953, and November 5, 1953, at San Francisco. The investigation was submitted upon stipulation and the application upon briefs since filed and considered.

It was stipulated that commencing on or about April 2, 1953, Delta Lines, Inc., initiated a daily service to Travis. In response to a Commission letter dated September 22, 1953, to discontinue any unlawful operations to the Base, respondent informed the Commission that it voluntarily discontinued all operations to said Base as of October 1, 1953. While not condoning what was apparently a violation, the Commission has considered the matter and in view of the circumstances concludes that the investigation should be discontinued.

By Application No. 32189, filed March 8, 1951, applicant sought the same authority which it here requests. The application was denied by Decision No. 46715 dated February 5, 1952. The present application was allegedly filed as the result of the numerous and incessant demands which have persisted for its service. Travis was originally known as Fairfield-Suisun Army Air Base. Applicant contends that the general public, to a great extent, still refers to it by that name. Because it is authorized to serve Fairfield and Suisun, many shippers, therefore, mistakenly tender applicant shipments destined to the Base.

The record demonstrates that applicant is capable of providing the proposed overnight service between all the points it presently serves and Travis. It has adequate financial ability, equipment and facilities.

A total of twenty shipper witnesses testified on behalf of applicant. For the most part they had used applicant to other points and found it a convenience to also use it to the Base. The testimony covered a wide variety of commodities. Complaints were voiced with respect to the existing service, relating primarily to missed pickups and delays in transit.

Protestant, Jacques Reutlinger, doing business as Bonded Draying Service, was certificated in 1948 to serve between the Bay Area and Travis. His is the only certificated service between said points. He also possesses corresponding interstate authority.

Terminal facilities are maintained in San Francisco, Berkeley and at Travis. He owns and operates sixteen pieces of equipment. Two schedules are operated to the Base daily and additional schedules are operated as traffic conditions warrant. Service is provided five days a week and by special arrangement is available to the military whenever needed.

Fifteen public witnesses testified for protestant. They stated that the existing service was overnight and entirely satisfactory.

Applicant argues that protestant is a small carrier possessing limited facilities. His operations, applicant contends, are generally limited to service between the San Francisco wholesale district and the Travis Post Exchange. He is assertedly unable to provide a complete service between the Bay Area and Travis. Applicant believes that it should be afforded the opportunity of serving the Base, which is within the immediate vicinity of its certificated area. If so authorized it would then be able to render a more complete service to its customers.

Protestant takes the position that the existing service is satisfactory and adequate. He claims that the bulk of the traffic is interstate in nature. Therefore, he asserts, applicant seeks by indirection the interstate authority which the Interstate Commerce Commission has denied to several recent applicants. He contends that because of its size applicant, if certificated, would divert from him a substantial amount of traffic.

As a general rule regulated competition characterizes the trucking industry and the public is better served where this situation prevails. The record clearly demonstrates that the proposed service would fill a need and provide a convenience for those shippers presently using applicant to other points. In addition, it would provide an alternate common carrier service to the Base.

After considering the matter the Commission is of the opinion that public convenience and necessity require the granting of the authority sought.

O R D E R

Public hearings having been held and based upon the evidence of record,

IT IS ORDERED:

- (1) That Case No. 5496 is hereby dismissed. ✓
- (2) That a certificate of public convenience and necessity is hereby granted to Delta Lines, Inc.; authorizing it to operate as a highway common carrier for the transportation of general commodities between Travis Air Force Base, on the one hand, and all points which it is presently authorized to serve, on the other hand.
- (3) That in providing the service herein authorized, applicant shall observe the following service regulations:
  - (a) Within 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 upon 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.

(c) Subject to the authority of this Commission to change or modify such at any time, applicant shall provide service to the Base via State Highway 12 from Fairfield.

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

Dated at South Pasadena, California, this 16th day of February, 1954.

A. Z. [Signature]  
President  
Justin F. [Signature]  
[Signature]  
[Signature]  
[Signature]  
Commissioners