

**ORIGINAL**Decision No. 49716

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 A. B. JAMES, doing business as A. B.  
 JAMES FREIGHT LINES, an individual, for  
 certificate of public convenience and  
 necessity to operate as a highway  
 common carrier of general cargo be-  
 tween San Diego, California; Long  
 Beach, California; San Pedro, Cali-  
 fornia; and Oakland, California,  
 subject to restrictions.

Application No. 34828

A. B. James for self. H. J. Bischoff for Southern  
 California Freight Lines and Southern California Freight  
 Forwarders; Harold F. Culy for Culy Transportation Co.,  
 Inc.; Gordon, Knapp and Gill, by Wyman Knapp, for  
 Pacific Freight Lines and James Van Lines; protestants.  
Jackson W. Kendall for Bekins Van Lines, Inc., in-  
 terested party.

O P I N I O N

A public hearing was held on the above-entitled pro-  
 ceeding at San Diego, California, before Examiner Chiesa.

By this application, A. B. James seeks authority to  
 transport, as a highway common carrier, general commodities,  
 except petroleum products in tank trucks, livestock, and house-  
 hold goods, moving on government bills of lading, between the  
 San Diego area, on the one hand, and the San Francisco Bay  
 area and the Los Angeles harbor area, on the other hand.

Applicant appeared on his own behalf and testified in  
 support of the application. No documentary evidence was adduced.

He stated that he has been in the transportation business, as a permitted carrier, since 1944 and that he also holds a certificate of public convenience and necessity for the transportation of household goods which was issued in 1950.

It was his position that the business which he has transacted in the past, and is now transporting, indicates a public need for the service which he is seeking to perform.

Applicant did not offer evidence of the volume of business which he has transacted, <sup>(1)</sup> financial condition of the business, or profit and loss data. His personal "business statement", filed with the application, shows tangible assets of \$48,000 and liabilities of \$300. Said assets include three items that appear to be business accounts; Accounts Receivable (due from the Navy) \$10,400; truck and office equipment \$100; and Accounts Payable (to subhaulers) <sup>(2)</sup> \$300.

Applicant testified that he owned one tractor that is not in operable condition, and two trailers that are not used by him in the transportation of property. The evidence shows that applicant obtains shipments from government sources, and hires subhaulers, who are permitted carriers, to perform the actual carriage. A percent of the freight charges are retained by applicant and the actual carriers are paid the balance. No

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(1) Applicant offered in evidence a stack of shipping documents pertaining to his transactions during the past several years but, upon objection, the offer was rejected.

(2) As applicant testified that his business income was split on a percentage basis with the subhaulers receiving by far the largest share, the financial statement filed with the application does not appear to reflect all of the indebtedness due the subhaulers.

bona fide contracts exist between applicant and subhaulers. No regularly scheduled service is proposed as the service would depend upon shipments tendered.

Applicant did not call any witnesses.

Protestants contend that public convenience and necessity does not require applicant's proposed service as a highway common carrier, and that applicant did not make the required showing as to financial condition, equipment and facilities, personnel, and public need.

We are of the opinion that protestants' position is supported by the record, and having considered the entire evidence we find that public convenience and necessity do not require applicant's proposed service as a highway common carrier.

The application will be denied.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found and concluded as hereinabove set forth,

IT IS ORDERED that the application of A. B. James,  
doing business as James Freight Lines, Application No. 34828,  
be and it hereby is denied.

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

Dated at San Francisco, California,  
this 23<sup>rd</sup> day of February, 1954.

A. Z. Anderson  
President  
Justin F. Cullen  
Wesley P. Potts  
Robert L. Maxwell  
Verne Rogans  
Commissioners