

ORIGINAL

Decision No. 50499

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of E. GUY WARREN, doing business)	
as WARREN TRANSPORTATION COMPANY,)	
for removal of certain restric-)	
tions from his certificate of)	Application No. 35355
public convenience and necessity)	
to operate as a highway common)	
carrier for the transportation)	
of property.)	

Marvin Handler, for applicant.
Lowe P. Siddons, for Holly Sugar, Inc.,
 interested party.

O P I N I O N

Applicant E. Guy Warren doing business as Warren Transportation Company and presently authorized to provide service as a highway common carrier between points within a wide area within the State, seeks the removal of restrictions against the use of van-type equipment, and the performance of split pickup and delivery services.

A public hearing was held before Examiner Daly on August 6, 1953 at San Francisco and the matter was submitted. No appearance was made in protest to the authority sought.

By Decision No. 45417 dated May 6, 1951 on Application No. 30128, applicant was authorized to transport general commodities, with certain exceptions, within the San Francisco Territory and between said territory and points on or within 25 miles of certain specified highways. The certificate was granted subject to the following restrictions:

1. Applicant shall not transport any shipments in van-type equipment, including insulated equipment with or without refrigeration facilities.

2. Applicant shall not perform split pickup or split delivery services in the transportation of any shipment.

Applicant requests that restriction (1) be removed and that in lieu thereof there be imposed a restriction against the transportation of commodities moving under refrigeration in mechanically refrigerated equipment. Applicant further requests that restriction (2) be removed.

Applicant testified that he is presently authorized to serve in Interstate Commerce without restrictions of the nature above set forth. The imposition of the present restrictions are unrealistic and economically unsound. His greatest competition he states is from permitted carriers, inasmuch as he is primarily a truckload carrier, being restricted to shipments of 20,000 pounds or more.

The restriction against van equipment he asserted has resulted in the loss of business. He testified that many customers require van-type equipment particularly during the winter months. In order to meet the need of certain customers who required split pickup and delivery service because of the rate advantage he stated that an arrangement was entered into whereby another carrier did the billing for the service and applicant acted as a subhauler. The substance of applicant's testimony was corroborated by public witnesses. They stated that they prefer to use applicant's service, but find that the restrictions constitute a barrier to complete satisfaction.

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

O R D E R

Application having been filed, a public hearing having been held thereon and based upon the evidence adduced therein,

IT IS ORDERED:

(1) That subparagraph (c) of ordering paragraph 2 of Decision No. 45417 dated March 6, 1951 is hereby amended to read as follows:

"(c) Applicant shall not transport any commodities moving under refrigeration in mechanically refrigerated equipment."

(2) That subparagraph (d) of ordering paragraph 2 of Decision No. 45417 dated March 6, 1951 is hereby deleted therefrom.

(3) In all other respects Decision No. 45417 shall remain in full force and effect.

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

Dated at San Francisco, California, this 31st day of August, 1954.

[Signature]
President

[Signature]

[Signature]

Commissioners

Commissioner Justus F. Craemer being necessarily absent, did not participate in the disposition of this proceeding.