

Decision No. 38723**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PACIFIC MOTOR TRANSPORT COMPANY, a)
 corporation, doing business as) Application No. 38-7239
 PACIFIC MOTOR TRANSPORT COMPANY for)
 a Radial Highway Common Carrier Permit.)

In the Matter of the Application of)
 PACIFIC MOTOR TRANSPORT COMPANY, a)
 corporation, doing business as) Application No. 38-7240
 PACIFIC MOTOR TRANSPORT COMPANY for)
 a Highway Contract Carrier Permit.)

R. E. Wedekind and William Meinhold, for applicant.
Arlo D. Poe and J. C. Kaspar, for California Trucking
 Association, Inc., interested party.
Mary Moran Pajalich, for the Commission staff.

O P I N I O N

Pacific Motor Transport Company has filed applications requesting the Commission to issue it radial highway common carrier and highway contract permits.

The Commission in order to obtain information in addition to that required by Section 3572 (a)(b)(c) of the Public Utilities Code determined to hold a public hearing in connection with such applications.

A public hearing was held on December 8, 1954 at San Francisco before Commissioner Justus F. Craemer and Examiner Carl Silverhart.

Applicant's president, who also is president of Pacific Motor Trucking Company, testified that Pacific Motor Transport Company does not possess a certificate of public convenience and necessity granted by this Commission and does not now conduct freight

transportation activities in California. The witness stated that applicant proposes to engage in the business of transporting freight over the highways as fully as it can within the scope of the requested permits and that it does not intend to conduct any operations contrary to law.

Pacific Motor Trucking Company's freight traffic manager who testified that he anticipated that he would be appointed freight traffic manager for applicant, stated that if permits are issued to Pacific Motor Transport Company all the transportation, with some exceptions, performed by Pacific Motor Trucking Company would be in its capacity as a highway common carrier. According to the witness such exceptions concern the pickup and delivery service performed by Pacific Motor Trucking Company pursuant to its contract with the Southern Pacific Company in territories beyond the limits of the trucking company's city carrier permit and the service it has rendered and is rendering under contracts with General Motors Corporation.

The witness further stated that applicant seeks permits so that it may conduct operations between points where Pacific Motor Trucking Company, by the terms of its certificates, is restricted to the transportation of rail traffic.

The record discloses that applicant has complied with the provisions of Sections 3572 and 3631 of the Public Utilities Code.

The record shows and we so find that Pacific Motor Trucking Company and Pacific Motor Transport Company are wholly owned subsidiaries of and controlled by Southern Pacific Company and that each company has several officers common to the other.

In issuing to applicant these permits pursuant to the provisions of the Highway Carriers' Act, we hereby place applicant upon notice that it would be unlawful for it to use said permits to transport commodities which Southern Pacific Company and Pacific Motor Trucking Company, or either of them, are or is obligated to transport as common carriers as defined in the Public Utilities Act.

O R D E R

A hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that the Secretary issue, in the name of the Commission, a radial highway common carrier permit and a highway contract carrier permit to Pacific Motor Transport Company.

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

Dated at South Pasadena, California, this 29th day of December, 1957

John E. [Signature]

President
Arthur F. [Signature]

Benjamin [Signature]

Paul [Signature]

Commissioners