

ORIGINALDecision No. 50944

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ARTHUR R. BENNETT, doing business as)
 B-LINE EXPRESS, for a certificate of)
 public convenience and necessity to)
 transport property as a highway common)
 carrier between Richmond, El Cerrito,)
 Albany, Berkeley, Emeryville, Oakland,)
 Piedmont, Alameda, San Leandro, and)
 San Lorenzo, on the one hand, and)
 Santa Rosa, Sebastopol, and various)
 points in Marin and Sonoma Counties,)
 on the other hand.)

Application No. 35560

Spurgeon Avakian, for applicant.
William Meinhold and Frederick E. Fuhrman, for
 Southern Pacific Company, Pacific Motor Trucking
 Company and Northwestern Pacific Railroad Company,
 protestants.
Marvin Handler, for James P. Nielson doing business
 as Nielson Freight Lines, protestant.
Douglas Brookman, for Merchants Express Company, protestant,
Willard Johnson, for J. Christenson Company, protestant.

O P I N I O N

This application filed June 29, 1954 requests authority to operate as a highway common carrier between the East Bay area, running from Richmond to San Lorenzo on the one hand and points in Marin and Sonoma Counties located along and close to U. S. Highway 101 including Sebastopol, Mill Valley, Fairfax and various other points, on the other hand. Applicant alleges, that,

The proposed operation is required by public convenience and necessity. Shippers of freight between the areas in question desire and need efficient transportation service, performed by a carrier able and willing to give careful and prompt attention to their various needs. Applicant's

service has been requested by numerous shippers because of their needs. The existing highway common carriers serving these areas are not sufficient in number to provide all of the shipping public the prompt, efficient, and personalized service which they need.

Public hearings were held before Examiner John Rowe in Oakland on October 10, 1954 and in San Francisco on December 13, 1954. Oral and documentary evidence was adduced and the matter was duly submitted for decision on the latter date.

Applicant submitted a balance sheet as of September 30, 1954 showing a net worth of \$12,788.95. This amount did not reflect the value of his home and private automobile and \$1,000 of government bonds all of which are unencumbered. He maintains no dock or terminal. He uses his home for his office and his equipment consists of one Ford pickup, two Ford tractors and three van-type trailers. The equipment has a depreciated value of \$2,165.60. His net income for the twelve-month period ending September 30, 1954 amounted to \$7,906.56. No salary was deducted for his services or those of his wife who assists and acts as bookkeeper.

The proof submitted by applicant fails to support his allegation of public need for the services proposed or that existing service is not sufficient. Applicant presently serves approximately twenty-three shippers located in the East Bay area. He has contracts with these shippers. Some are in writing and some oral. The oral contracts are in the same form as the written contracts. The shippers agree to give him a stated minimum amount of freight and he agrees to serve them at minimum rates. He testified that it has been his intention to operate as a contract carrier. About two years before the first hearing, applicant states, he was warned

against having over 10 contracts. However, at present he does have over ten contracts. He stated that he wished to receive a legal determination of his status by this proceeding and that if it is determined that he is legally a contract carrier that will satisfy him. He stated that he has no intention to change his method of operation if certificated. Two public witnesses testified that they were using applicant's service, which they praised as efficient and as satisfying their requirements.

No evidence was introduced which indicated that there is any need for additional highway common carrier service in the area as proposed. In fact the only evidence on the point was introduced by protestants which is to the effect that they furnish a satisfactory service and have room in their present equipment for the carriage of more freight than is offered to them.

O R D E R

Application No. 35560 having been filed, public hearings thereon having been held, the matter having been duly submitted, and the Commission being fully advised in the premises,

IT IS ORDERED that Application No. 35560 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 4th day of January, 1955.

Robert E. Mitchell
President
Matthew J. Campbell
Paulo Interscience

COMMISSIONERS