

Decision No. 51061**ORIGINAL**

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

In the Matter of the Application of )  
 PENINSULA MOTOR EXPRESS, a corporation, )  
 for a certificate of public convenience )  
 and necessity (a) between San Francisco ) Application No. 35367  
 and East Bay Points as herein described, )  
 and (b) between Hayward, on the one hand, )  
 and other East Bay Points as herein )  
 described, on the other hand. )

Glanz and Russell, for applicant.

O P I N I O N

Applicant filed this application on April 24, 1954. Prior to that date applicant had acquired various operating rights as a highway common carrier of property both by purchase and by direct grant from this Commission. In general, they include the right to serve between San Francisco and the East Bay cities north of Hayward (Richmond to San Leandro), on the one hand, and all points from South San Francisco and Hayward to Los Gatos and San Jose, on the other hand, and between many of the last-named points. Applicant does not, however, have authority to serve directly between San Francisco and East Bay points north of Hayward and it is this last authority which applicant here seeks.

A public hearing was held in this matter on August 9, 1954 before Examiner John Power at which time oral testimony and exhibits were introduced into the record.

The showing made by the applicant is deficient in one respect. This is in the important field of financial ability. Applicant has fallen short of establishing that it has the necessary financial resources to undertake an expansion of its service area. In spite of the deficiency in the showing made, the Commission has noted nothing that indicates that the situation is incurable.

On the contrary, it appears that this may well be a temporary situation. For that reason the following order of denial will be made conditional.

As we have recently had occasion to point out in our Decisions Nos. 50448 in Case 5478 (53 Cal. P.U.C. 366) and 50872 in Case 5535, it is necessary that a showing of sufficient financial resources be made when a new certificate or expansion of an old one is sought.

O R D E R

Application having been filed, public hearing having been held thereon, and based upon the evidence therein adduced, and the Commission being of the opinion and finding that public convenience and necessity have not been shown to require the service proposed by the applicant,

IT IS ORDERED that Application No. 35367 of Peninsula Motor Express, a corporation, be and it hereby is denied, provided, however, that this order shall be revoked if within thirty days from the effective date hereof applicant shall file a written request for a rehearing setting forth that said applicant has additional evidence to present relating to its financial condition.

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

Dated at San Francisco, California, this 14 day of February, 1955.

John E. [Signature]  
President  
Arthur J. [Signature]  
Paul [Signature]  
[Signature]

Commissioners