

**ORIGINAL**Decision No. 5132S

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 RAY W. FRASER, doing business as )  
 W. A. FRASER TRUCKING CO., for a )  
 certificate of public convenience and )  
 necessity to operate as a highway )  
 common carrier. )

Application No. 35170

Daniel W. Baker, for applicant.  
Douglas Brookman, E. L. Carloy, William Meinhold,  
Frederick E. Fuhrman, Edward M. Berol, Bertram S.  
Silver, Thomas P. Brown, Willard S. Johnson and  
William E. Shuholm, for various carriers, protestants.  
Russell Bevans, for Draymen's Association of San  
 Francisco; Maurice A. Owons, for Draymen's Association  
 of Alameda County; Norman R. Moon, for Loretz & Co;  
Arthur D. Nearon, Marvin Handler, Frank Loughran,  
Vaughan, Paul and Lyons by John G. Lyons, for various  
 carriers, interested parties.

FIRST SUPPLEMENTAL OPINION

By Decision No. 51001 in this application a certificate covering the San Francisco-East Bay Cartage Zone was granted to this carrier. Applicant had requested in its original application that Niles be included in his certificate. This part of his request did not receive consideration in Decision No. 51001 owing to the fact that the Commission's attention was then directed toward the numerous applications under consideration within the Cartage Zone. On March 8, 1955, we granted further hearing to consider the inclusion of Niles. That hearing took place on March 21 and the matter was resubmitted and is ready for decision.

Matters of finance, facilities, personnel and experience were discussed in Decision No. 51001 and the discussion will not be repeated here. Since the prior hearing a 1935 and a 1936 semitrailer and a 1944 pole dolly have been retired from the revenue fleet and

a 1954 tractor and a 1952, 44,000-pound flat stake semitrailer added.

The area here sought is a small one geographically. The distance from Hayward (nearest city limit) to Decoto is less than one mile; from Decoto on to Niles, more than 2½ miles further. Applicant testified that his father and he had served this area for about thirty years. They began, the witness stated, serving a clay products concern at Niles. Most of their present shipments are from or to two steel companies in the area. An electric firm in Centerville, a contractor and one or two others have been served. Shipments have averaged about eight per month. Weight per shipment is frequently in the truckload or greater range.

It appears that applicant has served this area for a long time. It appears also, that his holding out has been very broad. The limitations in the variety of commodities carried result from the economic characteristics of the area rather than from any restriction of applicant's holding out. The Commission, therefore, is of the opinion and finds that the sought authority should be granted.

O R D E R

Application having been filed and public hearings held thereon, and the Commission having considered the same and being of the opinion and finding that public convenience and necessity so require, therefore,

IT IS ORDERED:

(1) That ordering paragraph No. 1 of Decision No. 51001 in this application is hereby amended by adding thereto the following language:

"also, between said points, on the one hand, and Decoto and Niles on the other hand";

(2) That in providing service pursuant to the authority herein granted, applicant may use any and all streets, roads, highways and bridges, and shall comply with the following service regulations:

- a. Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate herein granted.
- b. Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 80 by filing in triplicate and concurrently making effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 2th day of APRIL, 1955.

*John E. Whitwell*  
 President

*Justus D. Casson*

*Paul H. ...*

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 COMMISSIONERS