

Decision No. 51390**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Robert D. Johnson,)
 dba Joy Transfer & Storage, to)
 operate a highway common carrier)
 service.)

Application No. 36506

Robert D. Johnson, in propria persona.
Wyman Knapp, for Bekins Van Lines, Inc., W. Ray James dba
 James Van Lines, Calmay Van Lines, Inc., and Lyons Van
 Lines, Inc., as protestants.
Jackson W. Kendall, also appearing for Bekins Van Lines, Inc.

O P I N I O N

By this application filed November 16, 1954, Robert D. Johnson, doing business under the name of Joy Transfer & Storage, seeks authority to operate as a highway common carrier for the carriage of household goods and general commodities between all points and places within a radius of fifty miles of the City of San Diego, over irregular routes.

Public hearing was held before Examiner John A. Rowe on March 31, 1955, in San Diego. Oral evidence was adduced and the matter duly submitted for decision.

According to the testimony of applicant he has been operating under the authority of a highway contract carrier permit, a radial highway common carrier permit, a city carrier permit and a household goods carrier permit. Commencing in 1950 applicant carried general commodities within a radius of fifty miles of San Diego serving approximately 100 customers. On February 28, 1954, he ceased this operation and commenced his present business of

household goods carrier, acting for the Marine Corps under purchase orders. He stated that where these purchase orders involved an interstate movement, he experienced difficulty because of the lack of authority from the Interstate Commerce Commission. He has applied to that Commission for authority to operate in this territory but his request was denied because he did not have a certificate of public convenience and necessity from this Commission. This is the only reason advanced for his present application so far as the carriage of household goods is concerned.

His request for a continuance of the hearing for six months so that he could solicit enough business as a highway common carrier to show that his proposed service was required by public convenience and necessity was refused by the presiding examiner.

Protestants moved that the application be dismissed because applicant can fully serve the public in the intrastate carriage of household goods under his household goods carrier permit, and because he made no showing of public convenience and necessity to justify granting him authority to carry general commodities as a highway common carrier. This motion will be denied as the application itself must be denied for lack of evidence to justify a determination that the proposed service is required by public convenience and necessity.

O R D E R

Application No. 36506 for a certificate of public convenience and necessity as a highway common carrier having

been filed, public hearing having been held thereon, and the Commission being fully advised in the premises,

IT IS ORDERED:

(1) That the motion to dismiss Application No. 36506 be, and it hereby is, denied.

(2) That Application No. 36506 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 21st day of APRIL, 1955.

John E. Mitchell
President

Augustus J. Cassese

Paulo Intergreiner

William J. Sholly

Commissioners