

**ORIGINAL**Decision No. 36003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CIRCLE FREIGHT LINES, a corporation, )  
 for an extension and enlargement of )  
 its highway common carrier certifi- )  
 cates to include Martinez. )

Application No. 36003

Douglas Brookman, for applicant.  
Frederick W. Mielke, for Delta Lines, Inc.,  
 and Paul J. Le Bourveau, for West  
 Berkeley Express and Draying Co., first  
 as protestants, later as interested  
 parties.  
Willard S. Johnson, for J. Christenson Co.,  
William Meinhold and Frederick E.  
Fuhrman, for Southern Pacific Company  
 and Pacific Motor Trucking Company,  
 interested parties.

O P I N I O N

This application was filed on November 12, 1954. By it Circle Freight Lines seeks authority to extend its service to Martinez. Public hearings were held on August 5 and September 6, 1955, in connection with another application, before Examiner John Power at San Francisco and the matter was submitted on the latter date.

Applicant shares a common ownership and control with the California Motor Express Co., Ltd. and other companies in that group. The financial resources, equipment, facilities, experience and personnel available to applicant are adequate.

Martinez is located on the southern shore of Carquinez Strait near Suisun Bay. Applicant has authority to serve several nearby points, and there seems to be no logical reason for excluding Martinez from applicant's service area. Furthermore, applicant receives numerous calls each week offering traffic to

Martinez. Many shippers are confused by refusals to accept lading consigned to that point when merchandise for nearby points is accepted. Two carriers protested this extension at the first hearing, but both protests were subsequently withdrawn.

The Commission is of the opinion that the extension herein sought should be authorized.

O R D E R

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

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Circle Freight Lines, a California corporation, authorizing the establishment and operation of a service as a highway common carrier (as defined in Section 213 of the Public Utilities Code) for the transportation of general commodities between San Francisco, Oakland, Emeryville and those parts of Albany, Alameda, Berkeley and Piedmont included within the Oakland pickup and delivery zone as said zone is described in Item No. 260-5.5-B, Minimum Rate Tariff No. 2, on the one hand, and Martinez, on the other hand.

(2) That applicant shall not engage in the transportation of:

- (a) Uncrated used household goods and other commodities for which the Commission has prescribed minimum rates in Minimum Rate Tariff No. 4-A;
- (b) Livestock, uncrated;
- (c) Liquid commodities, in bulk, in tank trucks;
- (d) High explosives; and
- (e) Commodities requiring refrigeration.

(3) That the certificate herein granted shall be in extension of and consolidated with the existing operating authority of applicant.

(4) That in providing service pursuant to the authority herein granted, applicant 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 11<sup>th</sup> day of October, 1955.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners