

ORIGINAL

Decision No. 52519

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ARROW PACIFIC DRAYAGE, a California)
 corporation, for a Certificate of)
 Public Convenience and Necessity)
 authorizing removal of certain)
 restrictions under its present)
 certificate, and extension of its)
 operations as a common carrier for)
 the transportation of property by)
 motor vehicle between Los Angeles)
 and vicinity, on the one hand, and)
 National City, on the other hand,)
 and certain intermediate and off-)
 route points.)

Application No. 35658

Donald Murchison, for applicant.
C. N. Bailey, for California Cartage Company, Inc., and
 California Cartage Express; Gordon, Knapp & Gill by
Volney V. Brown, Jr. and Warren N. Grossman, for
 Pacific Freight Lines and Pacific Freight Lines Express;
Robert W. Walker and R. K. Knowlton, for The Atchison,
 Topeka and Santa Fe Railway Company and Santa Fe
 Transportation Company; Douglas Brookman, for California
 Motor Express, Ltd., and California Motor Transport Co.,
 Ltd.; E. L. H. Bissinger, for the Southern Pacific
 Company, Pacific Motor Trucking Company and Pacific
 Electric Railway Company; John B. Robinson, for Southern
 California Freight Lines and Southern California Freight
 Forwarders; Turcotte & Goldsmith by F. W. Turcotte,
 for Harry Steward, doing business as Auto Purchasing
 Agency, protestants.
Ben W. Porter and Turcotte & Goldsmith by F. W. Turcotte,
 for Higgins Trucks, Inc., interested party.

O P I N I O N

Arrow Pacific Drayage, a California corporation, some-
 times known as A.P.D., is the holder of a certificate of public
 convenience and necessity issued by this Commission authorizing
 the transportation of "automobile accessories, parts, materials,
 supplies and tools" (as more particularly described in Decision
 No. 39312, dated August 13, 1946, in Application No. 36933) and
 "gas and Diesel engines and parts" between an area designated as
 Area "A" in the vicinity of Los Angeles, on the one hand, and, on

the other hand, a surrounding area designated as Area "B".¹
Applicant likewise holds a certificate authorizing an extension
of its operations to the Bakersfield area.²

In the instant application, as amended at the hearing thereon, authority is requested to transport certain specified commodities between Area "A" and Area "B", and between Areas "A" and "B", on the one hand, and, on the other, Bakersfield and the off-route points of Oildale and Edison with the restriction that transportation will be limited to shipments having origin or destination in Los Angeles territories "A" and "B". The further restriction is proposed that service between the Los Angeles areas and Bakersfield will be limited to 41 specified commodities as set out in Exhibit No. 8 received in evidence in the instant proceedings. Applicant also proposes to transport general commodities with exceptions between Areas "A" and "B", on the one hand, and, on the other, points and places from Manhattan Beach, on the north, to National City, on the south, and all intermediate points between those two cities, along U. S. Highways 101 and 101 Alternate, and serving the off-route points of Vista and Escondido. Likewise, authority is requested to serve between Areas "A" and "B", on the one hand, and National City, on the other, serving all intermediate points via U. S. Highways 101 and 101 By Pass.

Inasmuch as this application, as amended, was heard pursuant to this Commission's Decision No. 50448, dated August 17,

¹ Decision No. 39312 granted a certificate to Charles W. Schenk, doing business as Auto Parts Delivery. These rights were transferred to Arrow Pacific Drayage by Decision No. 40433, dated June 24, 1947, in Application No. 28513.

² Decision No. 48722, dated June 16, 1953, in Application No. 32116.

1954, in Case No. 5478, the testimony and representations of the applicant and the protestants were filed in writing prior to the hearing:

A public hearing was held in Los Angeles on December 6, 1955, before Examiner Grant E. Syphers, at which time evidence was adduced and the matter submitted.

At the hearing all of the representations and written presentations of the parties were noted and the oral testimony consisted principally of cross-examination. Exhibits Nos. 1 to 6 are lists of points to and from which applicant has provided service. Exhibit No. 7 is a list of the commodities handled and Exhibit No. 8 is the testimony of Max W. Menkus, the Secretary-Treasurer of applicant corporation, together with accompanying lists of commodities hauled and equipment used, a description of applicant's terminals, a photograph of representative equipment used, a map of the areas showing applicant's present and proposed route and financial statements. Exhibit No. 9 is a statement and accompanying exhibits of the protestant Auto Purchasing Agency.

A consideration of the evidence presented by applicant leads us to the conclusion, and we now find, that applicant has operated with substantial frequency between the points proposed to be served.

The applicant in this proceeding has demonstrated that it possesses the requisite financial resources, facilities, personnel, equipment and experience to provide and maintain the highway common carrier service proposed herein:

Upon consideration of the evidence presented by applicant and the representations of the protestants the Commission finds that public convenience and necessity require that the application be granted as set forth in the ensuing order:

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Arrow Pacific Drayage, a California corporation, authorizing it to establish and operate a service as a highway common carrier, as that term is defined in Section 213 of the Public Utilities Code, for the transportation of those commodities listed in Appendix A attached hereto and made a part hereof, between the points and over the routes more particularly set forth in said Appendix A.

(2) That in providing service pursuant to the certificate herein granted; there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed upon notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

(b) Within sixty days after the effective date hereof, and upon not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs satisfactory to the Commission. ✓

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

Dated at San Francisco, California, this 23rd day of January, 1956.

John E. Mitchell
President

Justin D. Casner

Paul J. [unclear]

William [unclear]

R. Hardy
Commissioners

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Arrow Pacific Drayage, a California corporation, by the certificate of public convenience and necessity granted in the above-numbered decision is authorized to transport the commodities hereinafter listed between those certain areas in and around the City of Los Angeles designated as Areas "A" and "B" and more specifically described in Decision No. 39312, supra, and between Areas "A" and "B", on the one hand, and, on the other, Bakersfield and the off-route points of Oildale and Edison, and between Areas "A" and "B", on the one hand, and, on the other, National City, including points and places between National City and Manhattan Beach and all intermediate points along U. S. Highways 101 and 101 Alternate and all intermediate points between National City and Areas "A" and "B" on U. S. Highways 101 and 101 By Pass, subject to the following conditions and restrictions:

- (a) The commodities transported shall be limited to the following items:
1. Drugs, Medicines or Toilet Preparations, as listed under that heading in Items Nos. 15185 through 15500 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto.
 2. Electrical Appliances or Equipment, or Parts named, as listed under that heading in Items Nos. 15607 through 16250 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto.

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3. Games or Toys, as listed under that heading in Items Nos. 20670 through 20870 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto.
4. Hardware, as listed under that heading in Items Nos. 22455 through 23660 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41 and 47 thereto.
5. Lamps, Lanterns or Lighting Fixtures, or Parts named, as listed under that heading in Items Nos. 25800 through 26000 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41 and 46 thereto.
6. Machinery or Machines, or Parts named, as listed under that heading in Items Nos. 31480 through 31602 and 31895 through 31920 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 47 thereto.
7. Vehicle Parts, as listed under that heading in Items Nos. 43880 through 43965 and 44455 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplement No. 47 thereto.
8. Agriculture Implement Parts, as listed under that heading in Items Nos. 1995 through 2480 of Exception Sheet No. 1-S, Cal. P.U.C. No. 193, of J. P. Haynes, Agent, on the issue date thereof.
9. Refrigerators, hose, steel or copper wire, metallic or wooden tables, paint, clocks, iron pipe, refrigerator cooling machines, welding rods, laminated glass, plate or sheet metal bending machines, iron or steel pipe fittings, and electric air heaters.

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- (b) The service herein authorized between Areas "A" and "B", on the one hand, and, on the other, Bakersfield and the off-route points of Oildale and Edison shall be limited to shipments having either origin or destination in the territory comprised by Areas "A" and "B".

Arrow Pacific Drayage shall conduct said highway common carrier operations over and along the following described routes:

U. S. Highway 99 between Bakersfield and Los Angeles Areas "A" and "B",

U. S. Highways 101, 101 Alternate and 101 By Pass between Areas "A" and "B" and National City,

State Highway 78 and U. S. Highway 395 as an alternate route between the junction of State Highway 78 and U. S. Highway 101, and San Diego.