

Decision No. 52556**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JAKE STOKES and JOHNSON McMURPHY,)
 partners doing business as SWANSON'S)
 TRUCKING SERVICE, for a certificate)
 of public convenience and necessity)
 authorizing transportation of)
 property between specified California)
 points.)

Application No. 36063

O P I N I O N

Jake Stokes and Johnson McMURPHY are engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicants seek an order authorizing them to conduct service as a highway common carrier for the transportation of:

- (1) General commodities, excepting uncrated household goods and livestock
 - (a) Between all points and places within 50 miles of Turlock, California;
 - (b) Between all points described in (a), on the one hand, and, on the other, points in the Counties of San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Solano, Sacramento, Madera, Fresno, Santa Cruz, Monterey and San Benito.
- (2) Petroleum products in barrels and packages, and commodities sold or utilized by service stations, between Oakland, California, on the one hand, and, on the other,
 - (a) Points on U. S. Highway No. 101 between Ukiah and King City, including Ukiah and King City, and including off-route points within 50 miles laterally from U. S. Highway No. 101; and
 - (b) Points on U. S. Highway No. 99 between Chico and Bakersfield, including Chico and Bakersfield, and including off-route points within 50 miles laterally from U. S. Highway No. 99.
- (3) Cement, in bulk or in sacks, between points in Calaveras, Santa Cruz, San Mateo, Santa Clara and San Benito Counties, on the one hand, and, on the other, all points in the State of California.

- (4) Poultry, feeds, farm equipment and supplies, canned goods, and roofing materials, between Los Angeles and points within 50 miles of Turlock.
- (5) Trailers and trailer parts, between Los Angeles, on the one hand, and San Francisco, Oakland, Fresno and Sacramento, on the other.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, it appears that as of the date of the filing of the application applicants were conducting their operations within the scope of the permitted authority heretofore issued by this Commission. Such operations not having constituted highway common carriage, the sought certificate of public convenience and necessity is not a requisite for their continuance. The application will therefore be denied.

O R D E R

The Commission has considered the application and representations filed herein, Now Therefore

IT IS ORDERED that Application No. 36063 is denied.

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

Dated at Los Angeles, California, this 31st day of January, 1956.

[Signature]
President
Justus J. Calver
[Signature]
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Commissioners