

Decision No. 52561**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Walter Alves, an individual doing
 business as ALVES SERVICE TRANSPORTA-
 TION, for a certificate of public
 convenience and necessity to operate
 as a highway common carrier between
 Milpitas and the Los Angeles
 Territory.

Application No. 36707

Marquam C. George, for applicant;

Raleigh Dowdell, for John W. Dowdell dba Tankways;
G. C. Sears, for F. N. Rumbley Co.; Robert
Hutchinson, for Acme Transportation, Inc.; Jack
B. O'Harra, for R. A. Conyes Tank Lines; Vaughan,
Paul & Lyons by John G. Lyons, for Automobile
 Transport Company of California, B & H Trucka-
 way Co., California Auto Transport, Inc.,
 Dealers Transit, Inc., Kenosha Auto Transport Corpora-
 tion, Insured Transporters, Inc. and F. N.
 Rumbley Company; Bertram S. Silver and Edward M.
 Berol, for Pacific Truck Service, Inc., Fortier
 Transportation Company, Western Truck Lines, Ltd.,
 Cantlay and Tanzola, Inc.; L. F. Weesler, Daniel
N. Baker, for Convoy Company; Howard C. Vose, for
 Fortier Transportation Co. Inc.; protestants.

O P I N I O N

Following an unprotested hearing, the Commission by
 Decision No. 51656, dated July 5, 1955, in Application No. 36707,
 authorized Walter Alves, doing business as Alves Service Transporta-
 tion, to extend his service as a highway common carrier for the
 transportation of general commodities between Milpitas and the
 Los Angeles territory.

On October 4, 1955, the Commission issued its order
 granting a rehearing of the matter based upon the joint petition of

Automobile Transport Company of California, B & H Truckaway Co., California Auto Transport, Inc., Dealers Transit, Inc., Kenosha Auto Transport Corporation and Insured Transporters, Inc., and the petition of F. N. Rumbley Company. Their petitions were predicated upon the fact that they had not been served with a copy of the application nor had they received notice of the hearing.

Rehearing was held before Examiner Daly on December 20, 1955, at San Francisco and the matter was submitted.

Petitioners are primarily engaged in the specialized transportation of motor vehicles. Milpitas is the site of the new Ford plant from which many new motor vehicles are transported. F. N. Rumbley Company is engaged in the transportation of bulk petroleum products in tank equipment.

Applicant transports general commodities. With the exception of one tank truck which he uses to transport diesel oil for his own trucks, applicant has neither the equipment nor the facilities to render the specialized type of service provided by petitioners. His certificate therefore will be restricted accordingly.

Western Truck Lines, a highway common carrier of general commodities, requests that applicant be restricted against the transportation of explosives and commodities requiring temperature control. The Commission can find no justification for such a restriction in this instance.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require that the operative rights granted by Decision No. 51656 should be amended as hereinafter set forth.

O R D E R

Rehearing having been held and the Commission being informed in the premises;

IT IS ORDERED:

1. That paragraph "1" of Decision No. 51656, dated July 5, 1955, in Application No. 36707 is hereby amended to read as follows:

- (a) "That a certificate of public convenience and necessity is hereby granted to Walter Alves, doing business as Alves Service Transportation, authorizing him to operate as a highway common carrier for the transportation of general commodities except motor vehicles, trailers and petroleum products in bulk between Milpitas, on the one hand, and the Los Angeles territory as described in Exhibit A (attached hereto and by reference made a part hereof), on the other hand."

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

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

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