

ORIGINALDecision No. 52996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 KARLSON BROS. TRUCKING SERVICE, a)
 corporation, for a certificate of)
 public convenience and necessity to)
 operate as a highway common carrier)
 between various points and places)
 in California.)

Application No. 36330

In the Matter of the Application of)
 KARLSON BROS. TRUCKING SERVICE, a)
 corporation, for a certificate of)
 public convenience and necessity to)
 operate as a highway common carrier)
 between various points and places in)
 California.)

Application No. 38391

O P I N I O N

Karlson Bros. Trucking Service, presently rendering service as a highway common carrier between various points within the state, requests the removal of a 20,000-pound weight restriction.

By Decision No. 49489 dated December 30, 1953, in Application No. 34971 applicant was authorized to transport general commodities with certain exceptions subject to the following restriction: "Applicant shall not transport any shipment of less than 20,000 pounds or subject to a charge more than applicable on shipments of 20,000 pounds." Pursuant to the policy decision the Commission by Decision No. 52895 dated April 17, 1956, in Application No. 36330 extended applicant's operating authority and removed the 20,000-pound restriction, although Application No. 36330 contained no specific request for the removal. A petition for reconsideration and modification of the aforesaid decision was filed and it was alleged that the Commission acted erroneously in removing the weight restriction. On July 31, 1956, the Commission issued its order granting rehearing.

The instant application was filed specifically requesting the removal of the restriction. As justification for the authority sought it is alleged that similar weight restrictions have been removed from the operative rights of other carriers, (Roy Jamieson & Son, Decision No. 52235 dated November 11, 1955, in Application No. 36006; Hulsman Transportation Co., Decision No. 52262, dated November 22, 1955; Crail Transportation Co., Decision No. 52378, dated December 20, 1955, in Application No. 35946; J. A. Nevis Trucking, Inc., Decision No. 52512, dated January 23, 1956, in Application No. 35493; Stockton Motor Express, Decision No. 52175, dated November 1, 1955, in Application No. 36058); that such carriers and permitted carriers have a definite competitive advantage; that the restriction minimizes the opportunity of obtaining necessary backhauls; that applicant's customers have made demands for a more complete service and that the restriction has repeatedly led to inadvertence and uncertainty on the part of applicant's customers and employees.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require that Application No. 38391 be granted. It is also of the opinion that it would serve no useful purpose to proceed with a rehearing of Application No. 36330 in view of the findings made in the rehearing of the Garden City Transportation Co., Ltd. (Decision No. 53778 dated September 18, 1956, in Application No. 37973). Therefore, rehearing in said matter will be set aside and Decision No. 52895 will be reaffirmed. Applicant's operative rights will be restated as set forth in the ensuing order. A public hearing is not necessary.

O R D E R

Applications having been filed and the Commission having been informed in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Karlson Bros. Trucking Service, a corporation, authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points and over the routes as more particularly set forth in Appendix A attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate granted, applicant shall comply with and observe 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 on 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 Commission.

(b) Within sixty days after the effective date hereof, and on 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.

(3) That the operative rights granted by Decision No. 49192 dated October 6, 1953, in Application No. 32276 are canceled simultaneously with the making of the filings pursuant to and as required by the provisions of paragraphs (1) and (2) hereof.

(4) That the order granting rehearing in Application No. 36330 dated July 31, 1956, is hereby vacated and set aside.

(5) That Decision No. 52895 is hereby reaffirmed.

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

Dated at San Francisco, California, this 30th day of OCTOBER, 1956.

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

Karlson Bros. Trucking Service, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport general commodities between:

- (a) San Francisco Territory, as defined in Item No. 270-3 Series of Minimum Rate Tariff No. 2, on the one hand, and, on the other hand, points and places on, or within 15 miles laterally of:
- (1) U. S. Highway 40 between San Pablo and Sacramento.
 - (2) U. S. Highway 99 between Sacramento and Merced.
 - (3) U. S. Highway 50 between Dublin and Stockton.
 - (4) State Highway 120 between its intersection with U. S. Highway 50 near Manteca, and junction with State Highway 108 at Yosemite Junction.
 - (5) State Highway 12 between Suisun-Fairfield and Lodi.
 - (6) State Highway 4 between Pinole and Stockton.
 - (7) State Highway 33 between its intersection with U. S. Highway 50 near Tracy and Newman.
 - (8) U. S. Highway 101 and State Highway 48 between San Francisco and Vallejo.

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- (b) San Francisco Territory, on the one hand, and, on the other hand, points and places as follows:
- (1) On or within 25 miles laterally of State Highway 108 between Yosemite Junction and Sonora.
 - (2) Within 15 miles of Sacramento and Merced.
 - (3) Within 25 miles of Sonora.
- (c) Locally between all points embraced in subparagraphs (a) (1) to (a) (8) inclusive and (b) (1) to (b) (3) inclusive, above set forth.

Applicant shall not transport any shipments of:

- (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
- (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
- (5) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

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- (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Applicant may conduct operations over and along the following only as alternate routes:

- (1) Any and all streets, roads and highways within San Francisco Territory.
- (2) State Highway 33 between Newman and Los Banos.
- (3) U. S. Highway 101 between San Jose and Gilroy, State Highway 152 between Gilroy and intersection with an unnumbered county road approximately 9 miles east of Dos Palos Wye, thence over said unnumbered county road between said intersection and Merced.
- (4) State Highway 140 between Merced and Gustine.
- (5) State Highway 132 between Modesto and Vernalis.
- (6) State Highway 24 between Oakland and Sacramento.

End of Appendix A

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