

Decision No. 54740**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 TED PETERS TRUCKING COMPANY, INC., )  
 a corporation, for a certificate of ) Application No. 36145  
 public convenience and necessity to )  
 operate as a highway common carrier )  
 between various points and places in )  
 California. )

O P I N I O N

Ted Peters Trucking Company, Inc., is engaged in the transportation of property in California pursuant to permits and certificates of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing it to extend its service so as to operate as a highway common carrier for the transportation of property between points on State Highway No. 33 between its junction with U. S. Highway 50 and Dos Palos, on the one hand, and Los Angeles Basin Territory, San Francisco Territory and Sacramento, on the other hand; between Sacramento and such territories, on the one hand, and Modesto, Merced, Stockton, Turlock and Manteca, on the other hand, and locally between the points last named. It also seeks an order removing the provision in its certificate (Decision No. 43594) which imposes a requirement that transportation charges be predicated upon a minimum weight of not less than 10,000 pounds.

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

This application was filed pursuant to Decision No. 50448, in Case No. 5478, dated August 17, 1954. In that decision, the

Commission enunciated a policy under which it may consider operation as a highway permit carrier up to and including September 10, 1953, as evidence of public convenience and necessity, if it appears that such operation may be found to constitute common carriage under the terms of the Nolan decision (Nolan v. Public Utilities Commission, 41 C (2d) 392). The allegations of the application and the representations filed in this matter indicate, however, and the Commission finds that as of September 10, 1953, applicant was conducting its permitted operations within the scope of the permits 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 continuance of applicant's operations as conducted on the said date; and the application will be denied as to that portion thereof which seeks authority to expand applicant's operating area. The ensuing order will provide for the removal of the restriction hereinabove mentioned.

The applicant is hereby placed on notice that the Commission, by this decision, makes no finding and expresses no opinion as to whether applicant has or has not been conducting its operations within the scope of its permitted authority since September 10, 1953; and that the provisions of Section 1063 of the Public Utilities Code will be strictly enforced.

O R D E R

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

IT IS ORDERED:

(1) That ordering paragraph (1) of Decision No. 43594, dated December 7, 1949, in Application No. 30080, is amended to read:

(1) That a certificate of public convenience and necessity is granted to Ted Peters Trucking Company, Inc., a corporation, authorizing the establishment and operation of a service as a highway common carrier, as defined by Section 213 of the Public Utilities Code, for the transportation of general commodities, except: (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) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; and (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit (a) between all points and places on California Highway 33 between its junction with U. S. Highway 50 (near Tracy) and Dos Palos, including Dos Palos, on the one hand, and San Francisco, South San Francisco, Oakland, Piedmont, Alameda, Emeryville, Berkeley, Albany, El Cerrito, San Leandro, Richmond and Hayward, on the other hand; and (b) locally between all

points and places on California Highway 33 between its junction with U. S. Highway 50 (near Tracy) and Dos Palos, including Dos Palos.

(2) That ordering paragraph (2) of Decision No. 43594, dated December 7, 1949, in Application No. 30080, is deleted in its entirety.

(3) That in all other respects Application No. 36145 is denied.

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

Dated at Los Angeles, California, this 26<sup>th</sup> day of March, 1957.

[Signature]  
President

[Signature]

[Signature]

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Commissioners