

Decision No. 55081**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MERCHANTS EXPRESS CORPORATION, a
 corporation, for a new highway common
 carrier certificate authorizing ser-
 vice to all points within its service
 area and removing restrictions in
 existing certificates against service
 to certain points within this area.

Application No. 36606

Douglas Brookman and Aaron H. Glickman for
 applicant;
Mike Berol and Bert Silver for Highway Transport,
 Inc.; Mark A. Bozaich for Sacramento Auto
 Truck Co.; William Meinhold and Frederick E.
 Fuhrman for Southern Pacific Company and Pacific
 Motor Transport Co.; David L. Ditto for Garden
 City Transportation Co., Ltd.; protestants;
Willard S. Johnson for J. Christensen Co.; inter-
 ested party.

O P I N I O N

Merchants Express Corporation requests that certain restric-
 tions, which prevent it from providing service (a) between Sacramento
 and Woodland and intermediate points, (b) to and from Travis Air
 Force Base, and (c) between the San Francisco territory and Monterey
 peninsula points, be removed from its operative rights.

Public hearing was held before Examiner Thomas E. Daly at
 San Francisco, San Jose, Santa Cruz and Monterey and the matter was
 submitted on March 8, 1957, upon the receipt of briefs since filed
 and considered.

Applicant provides service as a highway common carrier in an
 area bounded on the south by San Jose and Monterey, on the east by
 Stockton and Sacramento, and on the north by Healdsburg, Calistoga
 and Redding. Because of the recent so-called Policy Decision No. 50448
 applicant asserts that many permitted carriers have become certifi-
 cated in direct competition with its service. As a result applicant

allegedly filed the instant application requesting the removal of the restrictions mentioned for the purpose of making its operations in all respects complete and thereby placed upon an equally competitive basis with all other highway common carrier service within the area.

Numerous shipper witnesses, representing businesses located in the San Francisco Bay area testified that it is desirable to use a carrier with a wide territorial coverage. They further testified that they use applicant's service to presently certificated points and that it would be a matter of convenience to use applicant to the restricted points as well.

Protestants introduced the testimony of many receiver witnesses representing businesses located in Santa Cruz, Salinas, Watsonville and Monterey peninsula points. The testimony of many more was stipulated.

Applicant is presently serving in the area and if the restrictions were removed it would be able to provide a more complete and convenient service to many of its shipper customers.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the granting of the authority sought.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That Decision No. 43106 dated June 6, 1949, in Application No. 29308 is hereby amended by deleting therefrom the provision restricting service between Sacramento and Woodland.

(2) That Decision No. 47066 dated April 29, 1952, in Application No. 32322 is hereby amended by deleting therefrom the provision restricting service to and from Travis Air Force Base.

(3) That Decision No. 47333 dated June 24, 1952, in Application No. 32332 is hereby amended by deleting therefrom the provision restricting Merchants Express Corporation from serving between any point or place located within the San Francisco territory as defined in Item 270-A Series of Highway Carriers' Tariff No. 2, or located on U. S. Highway 101 from San Jose to and including Salinas on the one hand, and the points and places located on the routes as set forth in said decision, on the other hand.

(4) That in providing service to the heretofore restricted points applicant shall not transport commodities requiring refrigeration when moving in insulated vans with mechanical refrigerating systems.

(5) That within sixty days after the effective date hereof and on not less than five days' notice to the Commission and to the public applicant shall amend its tariffs presently on file with this Commission to reflect the authority herein granted.

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

Dated at San Francisco, California, this 4th day of JUNE, 1957.

[Handwritten signatures and names]

Commissioners