

ORIGINALDecision No. 57085

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. CHRISTENSON CO., a corporation,)
 for an in-lieu certificate of public) Application No. 39813
 convenience and necessity authorizing)
 highway common carrier service be-)
 tween various points in California.)

Willard S. Johnson, for applicant.
Berol and Silver, and Bruce R. Geernaert, by Bruce R. Geernaert for: Stockton Motor Express, Circle Freight Lines, Valley Motor Lines, Inc., Valley Express Co., Highway Transport, Inc., Highway Transport Express, Fortier Transportation Company, Sacramento Freight Lines, Inc., Southern California Freight Lines, Southern California Freight Forwarders, Ltd., Coast Line Truck Service, Inc., California Motor Express, Ltd., California Motor Transport Co., Ltd., Delta Lines, Inc.; Robert W. Walker & Matthew H. Witteman by Matthew H. Witteman, for The Atchison Topeka and Santa Fe Railway Company and Santa Fe Transportation Company; protestants.
Walter N. Dennison, for Merrifield Trucking Co., interested party.

O P I N I O N

J. Christenson Co., presently rendering service as a highway common carrier for the transportation of commodities requiring temperature control, requests authority to extend its service between the same points it is now authorized to serve for the transportation of additional commodities.

A public hearing was held before Examiner Thomas E. Daly at San Francisco and the matter was submitted on June 11, 1958, upon the receipt of briefs since filed and considered.

Applicant has been providing a certificated highway common carrier service throughout an extensive area within the state. It owns and operates approximately 228 pieces of specialized equipment and maintains terminals in Oakland, Manteca, Sacramento, Fresno, Watsonville, Chico, Santa Rosa, Vallejo, San Jose and Los Angeles. For the year 1957, applicant realized a profit of \$7,606.04.

Applicant is presently authorized to transport commodities requiring temperature control as well as some commodities that do not require temperature control. Applicant now requests authority to transport food products generally.

Applicant asserts that many of the commodities it seeks to add to its certificated authority are shipped or received by firms which also ship commodities requiring temperature control during transit; that it has received numerous requests to make its service available for the transportation of these additional food products, which move both in straight shipments and in mixed shipments with commodities requiring temperature control; that a large number of uncertificated carriers are engaged in providing temperature control in transit; that these carriers provide an unrestricted service which results in a competition that applicant cannot now meet; that in many instances applicant's inability to provide a complete service for food products has resulted in the loss of the transportation of commodities requiring temperature control.

Witnesses representing large food distributors testified on behalf of applicant. They testified that they presently use applicant on shipments requiring temperature control; that they frequently make mixed shipments of commodities that require, along with those that do not require, temperature control; that the use of a single carrier would eliminate the need of preparing separate bills of lading, would be a convenience to those with limited dock space and would result in cheaper rates on volume shipments. They were not critical of the existing carriers, but stated their dependence upon applicant's refrigerated service and emphasized the convenience that a complete service would be to them.

Protestants introduced evidence reflecting the nature of their present operations with descriptions of their operating equipment and terminal facilities. They further introduced evidence to show that they are capable of transporting additional tonnage; that their operating ratios in the past few years have reached a dangerous point and that any further diversion of traffic would only serve to aggravate an already serious condition.

A refrigerated transportation service is necessary to the food industry. As the record clearly discloses, however, the needs of the industry are not limited to the transportation of commodities requiring temperature control. Applicant's proposed operation will provide a more complete and needed service for those engaged in the processing and distribution of food products.

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 in the place and stead of its existing operating authority a certificate of public convenience and necessity is hereby granted to J. Christenson Co., a corporation, authorizing the transportation of property as a highway common carrier between the points and over the routes as set forth in Appendix A attached hereto and by reference made a part hereof.

(2) That in providing service pursuant to the certificate herein 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 decision.

(b) Within sixty days after the effective date hereof and on not less than ten days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission reflecting the authority herein granted.

(3) That contemporaneously with the making of the filings pursuant to and as required by paragraph (2) (a) (b) hereinabove set forth, the operating authority granted by Decision No. 55148, dated June 18, 1957, in Application No. 38825 is revoked.

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

Dated at San Francisco, California, this 29th day of July, 1958.

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

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.

J. Christenson Co., by its certificate of public convenience and necessity by the decision noted in the margin is authorized to transport the following commodities:

- I. General commodities, except petroleum products in bulk in tank vehicles, used household goods and livestock.

between the points within the limits of the San Francisco-East Bay Cartage Zone as described in Appendix B attached to Decision No. 55148 in Application No. 38825.

- II. Foodstuffs, Beverages or Beverage Preparations, Not Named in Other More Specific Groups, as listed under that heading in Items Nos. 39410 through 41150 of Western Classification * No. 76.

Meats, Cooked, Cured, Fresh or Preserved; Lard; Lard Substitutes; Rendered Pork Fats; Or Dressed Poultry, as listed under that heading in Items Nos. 67780 through 68030 of Western Classification.

Starch, as listed under that heading in Items Nos. 87755 through 87780 of Western Classification.

Fruits and Vegetables, Fresh, as listed under that heading in Items Nos. 41815 through 42220 of Western Classification.

Bakery Goods, as listed under that heading in Items Nos. 9745 through 9820 of Western Classification.

Candy or Confectionery, as listed under that heading in Items Nos. 20050 through 20200 of Western Classification.

Casings, as listed under that heading in Items Nos. 21360 through 21400 of Western Classification.

Cocoanuts and Coconut Milk.

* The term Western Classification as used herein means Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

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Dairy Products, as listed under that heading in Items Nos. 31770 through 31930 of Western Classification.

Feed, Animal or Poultry, as listed under that heading in Items Nos. 37030 through 37691 of Western Classification.

Fish, Fresh or Frozen, Prepared, as listed under that heading in Items Nos. 38505 through 38611 of Western Classification.

Fruit or Berries (in solution), as described in Item No. 41550 of Western Classification.

Nuts Edible, as listed under that heading in Items Nos. 70970 through 71090 of Western Classification.

Oils, including edible oils, by-product oils, olio stock, essential oils and citrus oils, as listed in Items Nos. 72305 through 72695 of Western Classification.

III Commodities, other than those included in Paragraph II above, requiring temperature control all or a part of the year.

IV Miscellaneous Commodities, viz:

Empty containers
Labels
Packaging materials
Advertising matter
Ice
Ice, dry

between points and places in Los Angeles Basin Territory, as described in Item 270 of Minimum Rate Tariff No. 2, on the one hand, and, on the other hand, all points on or within five miles laterally of the following highways and roads:

- (1) U.S. 101 and 101-A between Geyserville and the Ventura-Los Angeles County boundary;
- (2) U.S. 99 and 99-W between Project City and San Fernando;
- (3) U.S. 99-E between Red Bluff and Roseville;
- (4) Unnumbered road between Redding and Summit City;
- (5) Unnumbered road between Project City and Summit City;
- (6) Unnumbered road between Chico and Stirling City, via Paradise;
- (7) State 32 between Orland and Chico;
- (8) State 24 between Oakland and Oroville;

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- (9) State 20 between Williams and Nevada City;
- (10) State 49 between Auburn and Grass Valley;
- (11) Unnumbered road between Junction with U.S. 99-E and Marysville Army Cantonment, Camp Beale, California;
- (12) Unnumbered road between Junction with U.S. 99-E (Oroville Wye), and Oroville;
- (13) State 45 between Knights Landing and Hamilton City;
- (14) State 128 between Geyserville and Calistoga and between Winters and Davis;
- (15) State 29 between Calistoga and Vallejo;
- (16) Unnumbered road between Calistoga and Fulton;
- (17) Unnumbered road between Bodega Bay and Sebastopol; via Freestone;
- (18) Unnumbered road between Bodega Bay and Petaluma, via Valley Ford and Bloomfield;
- (19) State 12 between Sebastopol and Lodi;
- (20) State 37 between Ignacio and Napa;
- (21) State 48 between Sears Point and Vallejo;
- (22) Richmond-San Rafael Bridge between San Rafael and Richmond;
- (23) Unnumbered road between Vallejo and Benicia;
- (24) Unnumbered road between Vacaville and Zamora;
- (25) Unnumbered road between Sacramento and Marysville, via Rio Linda, Elverta, and Trowbridge;
- (26) State 16 between Woodland and Sacramento;
- (27) U.S. 40 between San Francisco and Colfax;
- (28) Unnumbered road between Colfax and Grass Valley, via Buena Vista;
- (29) State 4 between Junction with U.S. 40 near Pinole and Stockton;
- (30) Unnumbered road commonly known as "Marsh Creek Road", between Concord and Byron;
- (31) State 21 between Cordelia and Junction with State 17 near Warm Springs;
- (32) Unnumbered road between Byron and Tracy;
- (33) U.S. 50 between San Francisco and Folsom;
- (34) San Mateo Bridge between San Mateo and Mt. Eden;
- (35) Unnumbered road between Centerville and Livermore, via Niles, Sunol and Pleasanton;
- (36) State 17 between Oakland and Santa Cruz;
- (37) Unnumbered road between Stockton and Sacramento, via Thornton and Franklin;
- (38) State 9 between Santa Cruz and Sunnyvale;
- (39) Unnumbered road between Boulder Creek and Big Basin;
- (40) State 9 between Warm Springs and Hayward;
- (41) Unnumbered road between Watsonville and Aptos, via Freedom;
- (42) Unnumbered road between Monterey and Salinas;

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- (43) Unnumbered road (Chittenden Pass) between Watsonville and Junction U.S. 101;
- (44) State 1 between Santa Cruz and Monterey-Pacific Grove;
- (45) State 156 between Hollister and Junction with U.S. 101;
- (46) State 25 between Gilroy and Hollister;
- (47) State 152 between Watsonville and Califa;
- (48) State Highway 33 between Junction with U.S. 50 and Maricopa;
- (49) State 120 between Junction with U.S. 50 and Escalon;
- (50) Unnumbered road between Escalon and Oakdale;
- (51) Unnumbered road between Escalon and Riverbank;
- (52) Unnumbered road between Salida and Oakdale, via Riverbank;
- (53) State 132 between Vernalis and Modesto;
- (54) State 140 between Gustine and Merced;
- (55) State 180 between Mendota and Centerville (Fresno County);
- (56) Unnumbered road between Centerville and Sanger;
- (57) Unnumbered road between intersection with U.S. 99 (Biola Junction) and Clovis; thence south on an unnumbered road to intersection with State 180 approximately 5 miles east of Fresno;
- (58) Unnumbered road between Selma and Reedley;
- (59) State 41 between Fresno and Lemoore;
- (60) State 198 between Junction with State 33, near Coalinga and Junction with State 65 near Exeter;
- (61) State 65 between Junction with State 198 near Exeter and Porterville;
- (62) Unnumbered road between Tulare and Lindsay;
- (63) Unnumbered road between Sanger and Kingsbury;
- (64) Unnumbered road between Minkler and intersection with State 198 near Goshen Junction, via Reedley and Dinuba;
- (65) Unnumbered road between Porterville and Tipton;
- (66) Unnumbered road between its intersection with U.S. 99 approximately 3 miles south of Tipton, and its intersection with unnumbered road commonly known as Central Valley Highway, approximately 9 miles south of Corcoran;
- (67) Unnumbered road commonly known as Central Valley Highway, between Hanford and its intersection with California Highway 178 near Rosedale, via Corcoran and Wasco;
- (68) State 178 between Bakersfield and McKittrick;
- (69) State 399 between Taft and its intersection with U.S. 99 at Greenfield;
- (70) U.S. 466 between Morro Bay and Famosa;

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APPENDIX A

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- (71) State 41 between Paso Robles and Shandon;
- (72) State 1 between San Luis Obispo and Morro Bay;
- (73) State 166 between Maricopa and Intersection with U.S. 99;
- (74) State 126 between Ventura and Castaic Junction;
- (75) State 118 between Ventura and San Fernando;

and locally between all points and places on or within five miles laterally of the highways and roads embraced in subparagraphs (1) through (75), above.

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