

Decision No. 58164**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 JOHN J. WILLIAMS, HERBERT N. WILLIAMS  
 and DAVID C. WILLIAMS, co-partners,  
 doing business as WILLIAMS TRANSPORTA-  
 TION CO., for a certificate of public  
 convenience and necessity as a highway  
 common carrier of property.

Application No. 36476

Ivan McWhinney, for applicant.  
J. B. Robinson, for Southern California  
 Freight Lines and Southern California  
 Freight Forwarders, protestant.

OPINION AND ORDER ON REHEARING

The application here involved was filed pursuant to Decision No. 50448 in Case No. 5478. On February 4, 1958, the Commission, after a hearing, entered Decision No. 56214 which granted applicants a certificate of public convenience and necessity to operate as a highway common carrier of general commodities in a portion of the area for which operating rights were sought.

Applicants filed a petition for rehearing which alleged, among other things, that they had additional evidence which was not available at the time of the original hearing and that this evidence would support applicants' contention that they should have been granted additional territorial operating rights. On May 20, 1958, the Commission entered an order granting a rehearing.

A duly noticed public hearing was held in this matter by Examiner Donald B. Jarvis on November 20, 1958, in Los Angeles.

At the hearing applicants' general manager testified that Exhibit No. 2 introduced in evidence by applicants at the previous hearing was a representative list of shipments for a selected period of time prior to September 10, 1953, and not a complete list of shipments for that period. He testified in detail with respect to frequency of operations and the points served during said period. Applicants' chief dispatcher during the period in question testified with respect to the points served and the frequency thereof. The general manager and dispatcher testified that during the period under consideration applicant transported shipments daily from Los Angeles as far as Redlands on the east and Newport Beach on the south.

Four men who were traffic managers of their respective companies during the period prior to September 10, 1953, here in question, testified in behalf of applicants.

The traffic manager for Germain's Incorporated testified that at the time in question the firm was located in Los Angeles; that the company distributed seeds, agricultural supplies, home garden supplies and agricultural chemicals; that the firm had customers east of Los Angeles as far as Redlands and south as far as Newport Beach; that shipments were made daily to some of these customers; and that applicants made a daily pickup at Germain's and handled a portion of these shipments.

The traffic manager for the Los Angeles branch of the Leo J. Meyberg Company at the time in question testified that it was a wholesale distributor of electrical equipment and the distributor for RCA major appliances, small appliances, television

sets and electrical parts; that it had customers as far east as Redlands and as far south as Newport Beach; that daily shipments were made to some of these customers; that applicants handled 90 percent of Meyberg's shipping in this area; and that there were approximately 100 shipments per week in the area.

The traffic manager of the Baby Line Furniture Corporation testified that his company manufactured and distributed infant and juvenile furniture; that during the period in question it had customers east of Los Angeles as far as San Bernardino, Colton and Riverside and as far south as Santa Ana and Costa Mesa; that it made daily shipments to some of these customers; and that applicants rendered a daily pickup and handled most of these shipments.

The traffic manager of Ducommun Metals and Supply Co. testified that the company was located in Vernon; that it was a wholesale jobber of steel, heavy hardware and aluminum; that in the period in question it had customers east to San Bernardino, Colton and Riverside and south as far as Newport Beach; that it made daily shipments to some of these customers; and that it used applicants for this transportation.

Protestants, Southern California Freight Lines and Southern California Freight Forwarders, appeared at the rehearing and opposed the granting of additional operating rights to Williams Transportation Co., but did not call any witnesses or introduce any evidence in support of this position.

The Commission is of the opinion that the additional evidence presented on rehearing indicates that Decision No. 56214 should be modified to provide for granting applicants certain additional territorial operating rights.

A rehearing having been held and based upon the record in this proceeding,

IT IS ORDERED that Appendix A of Decision No. 56214 in Application No. 36476 is amended by incorporating therein First Revised Pages 1 and 2 in place and stead of Original Pages 1, 2 and 3.

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

Dated at San Francisco, California, this 24th day of March, 1959.

L. Leo Fox  
President  
W. E. [unclear]  
W. E. [unclear]  
Theodore [unclear]  
Everett [unclear]  
Commissioners

John J. Williams, Herbert N. Williams and David C. Williams, doing business as Williams Transportation Co., by the certificate of public convenience and necessity granted in the decision noted in the margin are authorized to transport general commodities in the area embraced by the following boundary:

Beginning in the County of Los Angeles at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 until it intersects the corporate boundary of the City of San Fernando; westerly, northerly and easterly around said corporate boundary until it intersects McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundaries until Mill Creek Road; southwesterly along Mill Creek Road until Bryant Avenue; southeasterly and southerly along Bryant Avenue to Yucaipa Boulevard; westerly along Yucaipa Boulevard to U. S. Highway 70 & 99; northwesterly on U.S. Highway 70 & 99 until Brookside Avenue; westerly along Brookside Avenue until it becomes Barton Road; westerly along Barton Road until it intersects U. S. Highway No. 91; southerly and southwesterly along U. S. Highway No. 91 until it intersects State Highway No. 55; southerly and southwesterly along State Highway No. 55 and a prolongation thereof to the Pacific Ocean; thence northerly along an imaginary line to the point of beginning.

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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, 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 refrigerator equipment.
5. 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.
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.
8. Logs.

End of Appendix A

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