

ORIGINAL

Decision No. 58167

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SACRAMENTO FREIGHT LINES, INC., a
corporation, for an order amending
its certificate of public convenience
and necessity to exclude transporta-
tion of certain commodities.

Application No. 40382

Bertram S. Silver, for applicant.
Willard S. Johnson, for J. Christenson Co., and
F. S. Kohles, for Valley Motor Lines, Inc.,
protestants.

O P I N I O N

This application was filed on August 26, 1958. By it, the applicant sought to have certain enumerated commodities excluded from its certificate. A portion of the relief sought was granted by Decision No. 57539 issued on October 28, 1958 without a hearing. Applicant petitioned for reconsideration and modification of Decision No. 57539 on November 14, 1958. It sought to have further commodities eliminated from its certificate. Public hearing was held on the latter aspect of the matter before Examiner John Power on January 19, 1959, at San Francisco. At the conclusion of the hearing the matter was submitted.

The commodity that applicant is especially anxious to have removed from its certificate is poultry, live or dressed. This was also the major interest of the two protestants who appeared. The record is largely centered on this issue.

A sales representative testified for applicant. He stated that applicant could not compete with permitted carriers on commodities on which no minimum rates have been established (a category that

includes poultry). He said that applicant had once had twelve to fifteen shippers out of Los Angeles who shipped poultry. All this business had been lost. He conceded that the only difference between this traffic and other traffic was the lack of minimum rates.

The traffic manager of one of the protestants testified in opposition. He testified that it is not true that common carriers with filed rates cannot participate in this traffic. He stated that his company hauled 3,453,394 pounds of dressed poultry during the months of October, November and December, 1958. He stated that his company would be hurt if this relief were granted to applicant. His company had twenty to twenty-five shippers of poultry including two or three large packers. He conceded that there were permitted carriers in the trade. He admitted that his company had lost individual poultry accounts, but said it had not lost business over all.

The Commission is of the opinion that the record before us is not sufficient to enable it to grant the relief sought. The Commission, therefore, cannot find that public convenience and necessity do not require applicant's services as a carrier of the commodities named in the petition for reconsideration and modification.

The Commission will take advantage of the pendency of Application No. 40382 to correct a typographical error in Appendix A, attached to Decision No. 57539.

O R D E R

Application and petition having been filed, public hearing having been held and the Commission basing its decision on the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

(1) Appendix A to Decision No. 57539 be, and it is, amended by substituting First Revised Page 2, hereto attached, in place and stead of Original Page 2 as attached to said Decision No. 57539.

(2) The petition for reconsideration and modification of Decision No. 57539, filed herein on November 14, 1958, be, and it is, denied.

(3) As herein amended, said Decision No. 57539 be, and it is, continued in full force and effect.

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.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

- (4) Between Los Angeles Territory*, Sacramento (including points within a five-mile radius of Sacramento), and intermediate points, via U. S. Highway 99.
- (5) Between San Francisco Territory*, on the one hand, and Los Angeles Territory*, on the other hand. The right to render service to, from, or between intermediate points is not included hereunder.
- (6) Sacramento and Los Angeles and intermediate points on U. S. Highway 99, San Jose and Santa Barbara, on the one hand, and San Bernardino, on the other hand.
- (7) Military installations as follows:

Alameda Naval Air Station
Benicia Arsenal
Camp Beale
Camp Cook
Camp Irwin
Camp McQuaid
Camp Pendleton
Camp Roberts
Camp San Luis Obispo
Castle Air Force Base
Shelly Air Force Base
Edwards Air Force Base
Ford Ord
Naval Test Station - El Centro
Hamilton Air Force Base
Naval Installation at Long Beach,
San Pedro and Wilmington
March Air Force Base
Mare Island
Mather Air Force Base
McClellan Air Force Base
Marine Corps Base and Naval Installation -
San Diego
Naval Supply Annex - Stockton
Naval Supply Depot - Oakland
**Norton Air Force Base

*San Francisco Territory and Los Angeles Territory mean the areas so described on Appendix B hereto attached.

**By Decision No. 53629 dated August 28, 1956, applicant was authorized to serve Lemoore Naval Station.

Issued by California Public Utilities Commission.

Decision No. 58167, Application No. 40382.