A. 36330, 38391 and 40105 - ms



## ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of KARLSON BROS. TRUCKING SERVICE, a corporation, for a certificate of public convenience and necessity to operate as a highway common carrier between various points and places in California.	Application No. 36330
In the Matter of the Application of KARLSON BROS. TRUCKING SERVICE, a corporation, for a certificate of public convenience and necessity to operate as a highway common carrier between various points and places in California.	Application No. 38391
In the Matter of the Application of KARLSON BROS. TRUCKING SERVICE, a corporation, for an order amending its certificate of public convenience and necessity as a highway common carrier so as to exclude the trans- portation of empty cans.	Application No. 40105

## SUPPLEMENTAL OPINION AND ORDER

By the decision · hereinafter identified, Karlson Bros. Trucking Service was granted a certificate which is described in part by reference to a territorial description contained in a minimum rate tariff. As the certificate is worded, some question may arise whether any amendment to the territorial description of the minimum rate tariff would be incorporated automatically into this certificate.

It is apparent that any changes made by the Commission in the territorial descriptions set forth in the minimum rate tariffs are predicated on minimum rate considerations and not public convenience and necessity. On the other hand, any changes in a highway common carrier's certificate of public convenience and necessity must be based solely on public convenience and necessity. It is the Commission's conclusion that the territory

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referred to in the certificate is the corresponding territory as described in the minimum rate tariff at the time the certificate was issued. Any other interpretation would result in a certificate that could be expanded or contracted without any consideration of public convenience and necessity.

The following order will clarify the certificate by stating the territorial description specifically by metes and bounds.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted Karlson Bros. Trucking Service by Decision No. 53996, dated October 30, 1956, as amended, in Application Nos. 36330, 38391 and 40105, is further amended by substituting First Revised Pages 1 and 2 and Second Revised Page 3 in place and stead of Original Pages 1 and 2 and First Revised Page 3, respectively, of Appendix "A" to said decision, and by adding thereto a new appendix to be known as Appendix "B" hereto attached.

(2) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Karlson Bros. Trucking Service shall amend its tariffs on file with the Commission to reflect the clarification of the certificate here involved.

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

Dated at San Francisco, California, this <u>15</u>th day of September, 1959.

Commissioners

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Appendix "A"

## KARLSON BROS. TRUCKING SERVICE (a corporation)

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Karlson Bros. Trucking Service, by the certificate of public convenience and necessity noted in the margin, is authorized to transport general commodities between:

- (a) San Francisco Territory, as described in Appendix "B" attached heroto, on the one hand, and, on the other hand, points and places on, or within 15 miles laterally of:
  - (1) U.S. Highway 40 between San Pablo and Sacramento.
  - (2) U.S. Highway 99 between Sacramento and Merced.
  - (3) U.S. Highway 50 between Dublin and Stockton.
  - (4) State Highway 120 between its intersection with U.S. Highway 50 near Manteca, and junction with State Highway 108 at Yosemite Junction.
  - (5) State Highway 12 between Suisun-Fairfield and Lodi.
  - (6) State Highway 4 between Pinole and Stockton.
  - (7) State Highway 33 between its intersection with U.S. Highway 50 near Tracy and Newman.
  - (8) U.S. Highway 101 and State Highway 48 between San Francisco and Vallejo.

Issued by California Public Utilities Commission.

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- (b) San Francisco Territory, as described in Appendix "B" attached hereto, on the one hand, and, on the other hand, points and places as follows:
  - On or within 25 miles laterally of State Highway 108 between Yosemite Junction and Sonora.
  - (2) Within 15 miles of Sacramento and Merced.
  - (3) Within 25 miles of Sonora.
- (c) Locally between all points embraced in subparagraphs (a) (1) to (a) (8) inclusive and (b) (1) to (b) (3) inclusive, above set forth.

Applicant shall not transport any shipments of:

- 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) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated 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.

Issued by California Public Utilities Commission. Decision No. 58985, Applications Nos. 36330, 38391 and 40105.

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- (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) Empty tin cans.

Applicant may conduct operations over and along the following only as alternate routes:

- Any and all streets, roads and highways within San Francisco Territory, as described in Appendix "B" hereto attached.
- (2) State Highway 33 between Newman and Los Banos.
- (3) U.S. Highway 101 between San Jose and Gilroy, State Highway 152 between Gilroy and intersection with an unnumbered county road approximately 9 miles east of Dos Palos Wye, thence over said unnumbered county road between said intersection and Merced.
- (4) State Highway 140 between Merced and Gustine.
- (5) State Highway 132 between Modesto and Vernalis.
- (6) State Highway 24 between Oakland and Sacramento.

End of Appendix "A"

Issued by California Public Utilities Commission.

Decision No. 58985, Applications Nos.36330, 38391 and 40105.

APPENDIX "B" TO DECISION NO. 58985

San Francisco Territory includes the area embraced by the following boundary:

Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

Issued by the California Public Utilities Commission. Decision No. <u>58985</u>, Applications Nos. 36330, 38391, 40105.