

59009

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 HENRY SHERRY, doing business as)
 ACE TRUCK LINE, for Voluntary)
 Suspension of Certificate.)

Application No. 41284

O P I N I O N

Applicant is presently engaged in operations as a highway common carrier in the transportation of liquors and glassware between San Francisco and Marin County points pursuant to authority of a certificate of public convenience and necessity granted by Decision No. 52103, dated October 18, 1955, in Application No. 36052. By the present application, filed July 7, 1959, authority is requested to suspend operations for a period of nine months or until April 15, 1960.

As justification, it is alleged that:

(1) Applicant's principal accounts now request service on shipments originating at a point within the scope of certification and with component parts to destination points, some of which are within and some of which are beyond the certificated area. A recent ruling relative to the application of tariff rates prohibits applicant from accepting such traffic. Shippers refuse to permit applicant to carry this traffic as separate shipments at higher rates than apply when the same traffic is taken as a single shipment with split delivery. Loss of traffic from principal accounts could reduce average load factor to an extent which would place continuance of carrier's operations in jeopardy.

(2) The Commission now has the matter of mixed certificated and permitted operations under consideration in its Order Instituting Investigation in Case No. 6186. Applicant's operations are clearly within the subject matter of this proceeding, therefore the applicant's and shippers' best interest will be served by suspending service pending decision in Case No. 6186.

Applicant's gross operating revenue for the year 1958 amounted to \$22,789. Applicant now holds Radial Highway Common Carrier Permit No. 21-542 and City Carrier Permit No. 21-543. Concurrently with the filing of this application, applicant filed his application for a Contract Carrier Permit. Highway Contract Carrier Permit No. 21-776 was issued to applicant dated July 14, 1959, restricted to the carriage of named articles including liquors and glassware within a radius of 50 miles of San Francisco.

Considering applicant's present and probable future volume of transportation business, and all other factors, the Commission finds that a suspension of operations as requested will not adversely affect the public interest. The application will therefore be granted. A public hearing is not necessary.

Applicant is hereby advised that the issuance of the Highway Contract Carrier Permit was issued subject to the requirements of Section 3542 of the Public Utilities Code which provides:

No person or corporation shall engage or be permitted to engage in the transportation of property on any public highway, both as a common carrier and as a highway contract carrier of the same commodities between the same points.

O R D E R

An application therefor having been filed, the Commission being fully informed and good cause appearing,

IT IS ORDERED:

1. That Henry Sherry is authorized to suspend his highway common carrier service as authorized by the certificate of public convenience and necessity granted by Decision No. 52103, dated October 18, 1955, in Application No. 36052, until April 15, 1960.

2. That applicant shall post an appropriate notice of suspension of operations as herein authorized at his terminal for a minimum of five days.

3. That on not less than five days' notice to the public applicant shall file appropriate tariffs or supplements to his tariffs, in triplicate, reflecting the authority herein granted and which shall be satisfactory to the Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15th day of September, 1959.

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

Commissioners