

ORIGINAL

Decision No. 59154

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 MUELLER TRUCK CO., a corporation,  
 for a certificate of public convenience  
 and necessity to operate as a highway  
 common carrier for the transportation  
 of property.

Application No. 41132

Edward M. Berol and Bertram S. Silver, for applicant.  
Edgar J. Lanchofer, for the San Diego Chamber of  
 Commerce, interested party.  
R. Y. Schureman and Glanz & Russell for Construction  
 Transport Company, interested party, and for  
 Robert F. Harding, Southern California Freight  
 Lines and Southern California Freight Forwarders,  
 protestants.

O P I N I O N

By this application filed May 12, 1959, Mueller Truck Co., a corporation, requests a certificate of public convenience and necessity authorizing it to operate as a highway common carrier along U. S. Highway 395, State Highway 76, State Highway 78, unnumbered highway between Vista and Bonsall commonly known as Vista Way, and along unnumbered highway between Bonsall and Fallbrook, commonly known as Mission Road, serving those and all other intermediate points, and to transport the same commodities it presently is authorized to transport along U. S. Highway 101 and U. S. Highway 101 between the Los Angeles and San Diego territories.

Public hearings were held in Los Angeles on July 28, 1959 and in San Diego on September 10, 1959 before Examiner Rowe, at which time evidence both oral and documentary was adduced, and on the latter date the matter was duly submitted for decision.

According to the testimony of record, the area sought to be served is growing rapidly both in population and in industry.

A number of public witnesses testified that there is a substantial need for the proposed service, especially in connection with freight sought to be shipped as split deliveries to this and other points in applicant's certificated area. These witnesses were unanimous in their praise of applicant's service to its presently certificated areas.

Protestant Southern California Freight Lines introduced evidence as to its ability to serve this area under its present authority and it contended that there was need for no further highway common carrier service to these points. This protestant pointed to the fact that one prior carrier to this area had been purchased by protestant and that another had more recently withdrawn from the area, as indicating a lack of need for more service.

The Commission is of the opinion that the granting of the application would tend to improve service. Considering all of the evidence of record, it is found that public convenience and necessity require that the service as proposed should be instituted and performed. The necessary authority will be granted by adding new route descriptions to include the highways described in the application. This will be accomplished by substituting First Revised Page 1 to Appendix A to Decision No, 53261 dated June 19, 1956 and by adding Original Page 2.

O R D E R

Application therefor having been filed and public hearings having been held and based upon the above finding,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Mueller Truck Co., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the California Public Utilities Code for the transportation of commodities as defined in said Decision No. 53261, between the Los Angeles Territory on the one hand and the San Diego Territory on the other hand, both as defined in said decision, including intermediate points along U. S. Highway 395, State Highway 76, State Highway 78, unnumbered highway between Vista and Bonsall commonly known as Vista Way, and unnumbered highway between Bonsall and Fallbrook, commonly known as Mission Road, to be consolidated with its present operative rights.

(2) That Appendix A to Decision No. 53261 in Application No. 36105, dated June 19, 1956, is amended by substituting First Revised Page 1 for Original Page 1 and by adding Original Page 2 as appears in Appendix A attached hereto and by reference made a part hereof.

(3) 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 five 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.

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

Dated at San Francisco, California, this 13th day of October, 1959.

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President  
*Montgomery*  
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*E. J. Fox*  
\_\_\_\_\_  
*Theodore Jenner*  
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Commissioners

Everett C. McKeage  
Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Mueller Truck Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between Los Angeles Territory on the one hand and the San Diego Territory on the other hand, (each as described in Appendix B attached hereto), including intermediate points along U. S. Highway 101 and 101 Alternate, U. S. Highway 395, State Highway 76, State Highway 78, unnumbered highway between Vista and Bonsall commonly known as Vista Way, and unnumbered highway between Bonsall and Fallbrook commonly known as Mission Road.

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 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 refrigerator equipment.
- (5) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.

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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.

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