

ORIGINAL

Decision No. 59250

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 WALTER F. PETERS and MYRON D. PETERS,)
 partners, doing business as PETERS)
 TRUCK LINES for a certificate of)
 public convenience and necessity to)
 operate as a highway common carrier.)

Application No. 41187

Frank Loughran and Marvin Colangelo for applicants.
Robert S. Crossland for Valley Express Co., Valley
 Motor Lines, Inc., Southern California Freight
 Lines, and Oregon, Nevada, California Fast
 Freight, protestants.

O P I N I O N

This application requests authority for applicants to expand their highway common carrier service to include service between Redding and Red Bluff, and intermediate points, between Vallejo and Antioch and intermediate points along U. S. Highway No. 40 and State Highway 4, to expand off-highway service for ten miles laterally off unnumbered highway between Etna and Fort Jones, and laterally for ten miles along U. S. Highway No. 99 north of Redding to the Oregon border and laterally for ten miles off U. S. Highway No. 97 between its intersection with U. S. Highway No. 99 and the Oregon border serving between all points and intermediate points including an area within twenty miles of Sacramento rather than ten miles from said point.

Public hearings were held before Examiner Rowe in Redding on August 27, 1959; in Sacramento on August 28, 1959, and on September 18, 1959, in San Francisco.

Some twenty-five witnesses testified as to the needs of their respective concerns for the proposed service. Their testimony tends to show that most of the shippers sending freight into applicants' presently certificated territory also have freight going into the areas proposed to be served. It will be an advantage to them to be able to place such shipments on applicants' trucks at the same time applicants pick up the freight going to the present areas served. In many instances it was stated that this will eliminate interlining shipments with the possibility of breakage and the almost certain increased delay when transferred to the truck carrying to ultimate destination. This may also reduce the freight charges. Many shippers are desirous of limiting the number of trucks coming into their docks. Most of these witnesses stated that they have a need to ship to points off the highways constituting applicants' present territorial coverage.

From this testimony the Commission is of the opinion and finds that public convenience and necessity require the additional service offered by applicant. Also, it appears and the Commission finds that applicant is qualified by experience and by the possession of adequate equipment and financial ability to successfully perform this additional service.

Except as to certain points in the extreme northern part of the state not along U. S. Highway No. 99 where they do not serve, the protestants, especially Valley Motor Lines, Inc. and Southern California Freight Lines, offer an adequate service to those who use it and have additional space in their trucks to carry more freight. However, the limited dock space of the shippers and their simultaneous need for pickups and the fact that a truck can be in only one spot at a time prevents the protestants from adequately serving all members

of the public and especially the present shippers using applicants' services. Consequently, the application will be granted. This will be accomplished by substituting First Revised Page 1 to Appendix A to Decision No. 56754 dated May 27, 1958, in Application No. 40008 and by adding Original Page 2.

O R D E R

Application therefor having been filed, 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 Walter F. Peters and Myron D. Peters, authorizing them 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. 56754 between the points therein stated and the additional points enumerated in the above opinion as being requested by this Application No. 41187, the new rights granted hereby to be consolidated with their present operations.

(2) That Appendix A to Decision No. 56754, dated May 27, 1958, is amended by substituting First Revised Page 1 for Original Page 1 and by adding Original Page 2, both pages as they appear in Appendix A attached hereto and by reference made a part hereof.

(3) In providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificates of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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 ten days' notice to the Commission and the public, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 10th day of November, 1959.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

Walter F. Peters and Myron D. Peters, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport property as follows:

General commodities: except household goods, livestock, articles of unusual value and petroleum products in bulk and tank trucks, between:

1. San Francisco Territory as described in Item 270-3A of Minimum Rate Tariff No. 2, and points and places within five miles of the boundaries thereof; points and places on and within ten miles of U. S. Highway 40 from and including Richmond to and including Vallejo; points and places on and within ten miles of State Highway 4 from its intersection with U. S. Highway 40 near Pinole to and including Antioch; Sacramento and North Sacramento and points and places within twenty miles thereof; on the one hand, and on the other hand, all points on U. S. Highway 99 between and including Red Bluff to and including Hilt, California; all points on U. S. Highway 97 from and including Weed to the Oregon State line; all points along an unnumbered highway intersecting U. S. Highway 97 at or near the Oregon border to an unnumbered highway intersecting said highway near Tule Lake and along said last-mentioned highway to Tule Lake; all points and places located within a radius of ten miles of the Post Office at Tule Lake; all points and places along an unnumbered State highway intersecting U. S. Highway 9 near Yreka to and including Callahan via Fort Jones, Greenview and Etna, and to the off-route points of Bray and Tennant and including service at all points located within ten miles of the identified highways north of Red Bluff; all such transportation to be performed over all available highways and streets.

Issued by California Public Utilities Commission.

Decision No. 59250, Application No. 41187.

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Appendix A

WALTER F. PETERS and
MYRON D. PETERS

Original Page 2

2. Redding, on the one hand, and, on the other hand, all points described in Paragraph 1 hereof north of and including Castella.
3. Locally from, to and between all points named in Paragraph 1 hereof north of and including Red Bluff.

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