

Decision No. 59497**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CLAYTON C. KOONS, doing business as)
 STAPEL TRUCK LINES, for an extension)
 and enlargement of his highway)
 common carrier certificate to include)
 Martinez and Avon.)

Application No. 40925

Scott Elder, for applicant.

Norman R. Moon, for Highway Transport, Inc., Highway
Transport Express and M. & L. Trucking Co.,
protestants.

O P I N I O N

Clayton C. Koons, doing business as Stapel Truck Lines, presently rendering service as a highway common carrier between San Francisco, Emeryville and Oakland, on the one hand, and Orinda, Lafayette, Walnut Creek, Danville, Concord, Port Chicago, Pittsburg and Antioch, requests authority to extend service as follows:

Between San Francisco, Emeryville and Oakland, on the one hand, and, on the other hand:

- (a) Martinez and Avon and all intermediate points and places on and along State Highways Nos. 24, 21 and 4 not already served by applicant, and intermediate points and places on and along the unnumbered State highway between Martinez and Avon;
- (b) Oakley, Brentwood and Byron and all intermediate points and places on and along State Highway No. 4 between Antioch and Byron; also via Marsh Creek Road but without serving any points thereon between Clayton and Byron;
- (c) Bethel Island;
- (d) Clayton and all points intermediate to Concord and Clayton on and along Clayton Road and Marsh Creek Road, serving also the off-route point of Cowell; and

- (e) San Ramon and all intermediate points and places on and along State Highway No. 21 between Danville and San Ramon.

Public hearing was held before Examiner Thomas E. Daly at San Francisco on October 21, 1959, and the matter was submitted.

Applicant has been engaged in the trucking business since 1945. He owns and maintains a terminal in Concord and owns and operates fourteen pieces of equipment. As of December 31, 1959, he indicated a net worth of \$56,059.47 and for the year ending the same date showed a net profit of \$19,967.25.

Applicant asserts that many of his customers shipping between points which he is presently authorized to serve also have shipments destined to the proposed points; that in recent years the communities which he proposes to serve have experienced a marked economic growth; that many of such communities have expanded to the extent that they constitute continuous developed areas; that applicant's presently certificated area and the area which he proposes to serve constitute a single market area commonly serviced by many suppliers of merchandise; that in order for such suppliers to service the area economically, split-delivery service and rates must be afforded them; that applicant's inability to provide such a complete service prevents the shipping public from making the fullest and most effective use of his facilities and subjects the shipping public to unwarranted expense and inconvenience in arranging for other transportation.

Four public witnesses testified on behalf of applicant. In brief they testified as follows:

A representative of a San Francisco coffee company testified that his company presently ships to applicant's certificated

area and the proposed area and is required to use two carriers and is thus deprived of the advantages afforded through split deliveries. The owner of an electrical contracting business in San Ramon testified that he receives shipments from San Francisco daily and because of a limited inventory depends upon an expedited service. At the present time he sends one of his men to applicant's terminal daily to pick up shipments. Another witness engaged in the ready-mix cement business located in Clayton expressed a need for an expeditious service from San Francisco and Oakland. A representative of Shippers Express, a certificated highway common carrier operating between San Francisco and Los Angeles, stated that his company interchanges with applicant at San Francisco shipments that are destined to points within applicant's certificated area. He stated that it would be an advantage to also interchange with applicant shipments that are destined to the proposed area rather than interchanging them with a carrier that is operating competitively between San Francisco and Los Angeles.

Protestants introduced late-filed exhibits reflecting the nature of their operating authority, financial ability, terminal facilities, equipment and personnel.

The record indicates that the proposed area has experienced a substantial growth in population as well as economic development; that applicant has been providing an efficient and expedited service in the area generally and that his customers would receive a more complete and satisfactory service if the proposed extension of service were authorized.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the granting

of the application as amended. For the purpose of establishing more efficient and uniform records applicant's operating authority, including that herein granted, will be restated in loose-leaf form.

O R D E R

A public hearing having been held herein and the Commission having made its findings as hereinabove set forth; therefore,

IT IS ORDERED:

(1) That in the place and stead of his existing operative rights, a certificate of public convenience and necessity is hereby granted to Clayton C. Koons authorizing the transportation of service as a highway common carrier for the transportation of property between the points and over the routes as set forth in Appendix A attached hereto and made a part hereof.

(2) 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 he will be required, among other things, to file annual reports of his 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 to the public, applicant shall establish the service herein authorized

and file in triplicate and concurrently make effective, tariffs satisfactory to the Commission.

(3) That concurrent with the inauguration of service heretofore authorized in paragraph (1) hereof the operating authority granted by Decisions Nos. 43827 and 48136 is hereby revoked.

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

Dated at San Francisco, California, this 12th
day of January, 1960.

Green R. Day
President
W. E. H. H. H.
W. E. H. H. H.
E. L. H. H.
Theodore H. H.
Commissioners

A. Clayton C. Koons by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the points and over the routes hereinafter set forth provided, however, that applicant shall not transport any shipments of the following:

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 refrigeration 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.
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. Logs.
9. High Explosives.

Issued by California Public Utilities Commission.

Decision No. 59497, Application No. 40925.

B. Clayton C. Koons shall have the authority to transport the commodities set forth in paragraph A of this appendix between the points and over the routes as follows:

Between San Francisco, Oakland and Emeryville, on the one hand, and on the other hand:

- (a) Orinda, Lafayette, Walnut Creek, Danville and Concord, and points intermediate thereto on State Highways Nos. 24 and 21;
- (b) Port Chicago, Pittsburg, Antioch, and points intermediate thereto on State Highways Nos. 24, 21 and 4 and on unnumbered State highways between Concord and Port Chicago and between Port Chicago and Pittsburg;
- (c) Martinez and Avon and all intermediate points and places on and along State Highways Nos. 24, 21 and 4, and unnumbered State highway between said points;
- (d) Oakley, Brentwood and Byron and all intermediate points and places on and along State Highway No. 4 between Antioch and Byron; also via Marsh Creek Road but without serving points thereon between Clayton and Byron;
- (e) Bethel Island;
- (f) Clayton and all points intermediate to Concord and Clayton on and along Clayton Road and Marsh Creek Road, serving also the off-route point of Cowell; and
- (g) San Ramon and all intermediate points and places on and along State Highway No. 21 between Danville and San Ramon.

Issued by California Public Utilities Commission.

Decision No. 59197, Application No. 40925.