

ORIGINAL

Decision No. 59755

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) Application No. 41187
TRUCK LINES for a certificate of)
public convenience and necessity to)
operate as a highway common carrier.)

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, Walter F. Peters and Myron D. Peters were 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. The certificate also contains a typographical error by referring to U.S. Highway 9 instead of U.S. Highway 99.

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 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. The typographical error in the highway reference will also be corrected.

Therefore, good cause appearing,

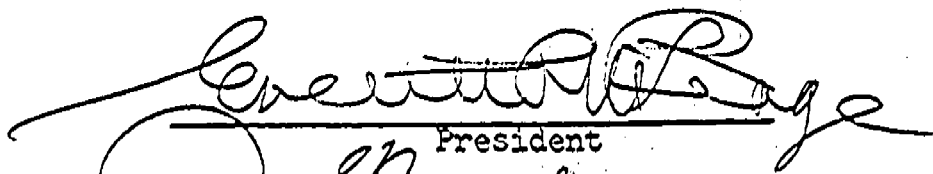
IT IS ORDERED:


(1) That the certificate of public convenience and necessity granted Walter F. Peters and Myron D. Peters by Decision No. 59250, dated November 10, 1959, in Application No. 41187, is hereby amended by substituting Second Revised Page 1 and First Revised Page 2 attached hereto, in place and stead of First Revised Page 1 and Original Page 2 of Appendix "A" to said decision.

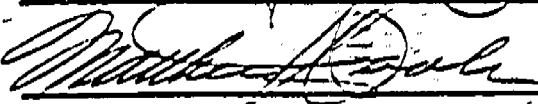
(2) That within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, Walter F. Peters and Myron D. Peters shall amend their tariffs on file with the Commission to reflect the clarification of the certificate here involved.

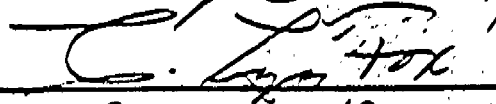
The effective date of this order shall be twenty days after the date hereof.


Dated at San Francisco, California, this 8th day of March, 1960.



President








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, live-stock, articles of unusual value and petroleum products in bulk in tank trucks, between:

1. San Francisco Territory as described in First Revised Page 2 hereof, 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 99 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.

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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.

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.

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