

Decision No. 59787**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PENINSULA MOTOR EXPRESS, a corporation,
 for a certificate of public convenience
 and necessity to operate as a highway
 common carrier.

Application No. 39789

OPINION AND ORDER MODIFYING DECISION

Peninsula Motor Express, a corporation, is a highway common carrier. Decision No. 58379, in Application No. 39789, granted Peninsula additional highway common carrier operating rights and consolidated all of Peninsula's operating rights in a new certificate of public convenience and necessity. Peninsula accepted the in-lieu certificate awarded in Decision No. 58379. Peninsula did, however, file a "Petition for Modification of Decision" in which it urges that the Commission modify said decision to authorize it to serve an additional area for which authority to serve was sought but not granted.

The petition for modification asks this Commission to reconsider the evidence with respect to the area in question in the light of certain points raised therein.

Prior to Decision No. 58379, Peninsula had the authority, among other things, to transport limited commodities between (1) "San Francisco, on the one hand, and points located laterally within 15 miles of U. S. Highway 99 between Fresno and Delano, both inclusive, on the other hand" and (2) "Fresno, on the one hand, and points located on U. S. Highway 99 between Manteca and Bakersfield, on the other hand...." Decision No. 58379, in part, authorized Peninsula to transport general commodities, with limited exceptions, between these points.

Peninsula points out that under Decision No. 58379 it may transport general commodities between San Francisco and points located laterally within 15 miles of U. S. Highway 99 between Fresno and Delano, whereas when traffic originates in Fresno it may transport general commodities to Delano and all intermediate points on U. S. Highway 99 but not to points located within 15 miles laterally from the highway. Peninsula asks that its rights from Fresno be made co-extensive with those from San Francisco in the 15-mile lateral area between Fresno and Delano. Peninsula contends that the evidence adduced at the public hearing in Application No. 39789 supports the granting of the additional rights.

The Commission has carefully reconsidered the evidence of record in Application No. 39789 and is of the opinion that further public hearing in this matter is not necessary and that public convenience and necessity require the petition for modification should be granted.

Based upon the evidence of record in this proceeding,

IT IS ORDERED that Decision No. 58379 in Application No. 39789 be modified by substituting a First Revised Page 3 of Appendix A for Original Page 3 of said appendix. Said First Revised Page 3 is attached hereto as Appendix A.

IT IS FURTHER ORDERED that in all other respects said Decision No. 58379 shall remain in full force and effect.

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

Dated at San Francisco California, this 15th day of March, 1960.

[Signature]
President
[Signature]
[Signature]
Theodore Jensen

Commissioners

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 waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

- b. Between the San Francisco Territory, on the one hand, and Los Gatos, Saratoga, Campbell, Cupertino, Permanente and Los Altos, on the other hand. This authority includes the right to serve all intermediate points (including unnamed points); and between any two points, both of which are intermediate to any of the points named above; and also to or from any and all points or places situated within one mile of the city limits of every incorporated city served hereunder.
- c. Between the San Francisco Territory, on the one hand, and Livermore, Tracy, Stockton, Lodi, and Sacramento, on the other hand. This authority does not include the right to serve intermediate points. Peninsula Motor Express shall not establish through routes and joint rates, charges and classifications between the authority granted in this paragraph and any other operating rights herein granted.
- d. Between the San Francisco Territory, on the one hand, and all points located on U. S. Highway 99 between and including Manteca and Bakersfield, on the other hand, including also the off-route points of Riverbank, Escalon, Oakdale, Biola, Kerman and Wasco.
- *e. Between Fresno, on the one hand, and all points located on U. S. Highway 99 between and including Manteca and Bakersfield, on the other hand, including all points located within 15 miles laterally on either side of said highway between Fresno and Delano and further including the off-route points of Riverbank, Escalon, Oakdale, Biola, Kerman and Wasco.
- f. Between the San Francisco Territory, on the one hand, and all points located on State Highway 33

Issued by California Public Utilities Commission.

*Changed by Decision No. 59787, Application No. 39789.