

ORIGINALDecision No. 60875

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of HENRY STOVALL, doing business)
as HENRY'S FREIGHT LINES, for a)
certificate of public convenience)
and necessity to extend highway)
common carrier service. }

Application No. 42530

E. H. Griffiths, for applicant.O P I N I O N

Henry Stovall, doing business as Henry's Freight Lines, requests authority to extend his service as a highway common carrier.

A public hearing was held before Examiner Thomas E. Daly on August 30, 1960. at Fresno and the matter submitted. No appearance was made in protest to the authority sought.

Applicant is presently certificated to transport general commodities between Fresno and Bakersfield and intermediate points with 25 miles lateral authority; between Fresno and Bakersfield, on the one hand, and Coalinga, Avenal, and Taft, on the other hand, and between Fresno, on the one hand, and Modesto, on the other hand. He requests authority to extend his operative rights and requests that said rights be restated as follows:

To, from and between all points and places on and along:

- (a) U. S. Highways 99, 99E and 99W from Dunnigan and Lincoln on the north to a point 25 miles south of Bakersfield, including all points within 25 miles laterally of U. S. Highway 99 between Fresno, including said point, and 25 miles south of Bakersfield. No shipment shall be transported having both points of origin and destination within a 20-mile radius of Sacramento.
- (b) U. S. Highway 50 between Tracy and Stockton, including said points.

- (c) State Highway 33 between Tracy and Maricopa including said points.
- (d) To, from and between all points and places set forth in paragraphs (a), (b) and (c) above, including Huron and Kettleman City.

Applicant owns and operates 38 pieces of equipment. Terminals are maintained in Fresno, Visalia, Bakersfield and Modesto. If the authority sought is granted applicant proposes to establish a terminal in Sacramento. As of June 30, 1960, applicant indicated a net worth of \$86,476.27. For the first six months of 1960 he realized a net profit of \$16,714.04.

As justification for the authority sought applicant asserted that he has been requested by many of his customers to serve points within the extended area; that in an attempt to satisfy his customers he has been serving the proposed area under his permits; that because of the limited nature of the permitted operation and his inability to provide service on split shipments his customers are not afforded a complete and satisfactory service.

Four public witnesses testified on behalf of applicant. They represented large, diversified businesses located in the San Joaquin Valley. They presently use applicant to his certificated area and desire that his service be made available to the proposed area. They praised applicant highly and were particularly impressed with his same-day service. One witness engaged in the tire business stated that applicant's Saturday service was of particular convenience. Another witness spoke of a need for service on the west side of the Valley along State Highway 33.

In the absence of protest, the names of twenty potential witnesses were received in evidence as late-filed Exhibit 2. These individuals represent businesses which ship a wide variety of commodities to various points in the proposed area. They assertedly would use the proposed service if authorized.

After consideration the Commission finds and concludes that public convenience and necessity require the granting of the authority sought.

O R D E R

Application having been filed and the Commission being informed in the premises,

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 Henry Stovall, doing business as Henry's Freight Lines, authorizing the transportation of property as a highway common carrier 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 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 and insurance requirements of the Commission's General Order No. 100-A. 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 Orders Nos. 99 and 100-A, 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, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. That the operative rights granted by Decision No. 59029, dated September 22, 1959, in Application No. 40731, are hereby revoked and canceled, said cancellation to become effective concurrently with the effective date of tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 11th day of October, 1960.

President

[Signature]

Commissioners

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

Henry Stovall, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the following points:

To, from and between all points and places on and along:

- (a) U. S. Highways 99, 99E and 99W from Dunnigan and Lincoln on the north to a point 25 miles south of Bakersfield, including all points within 25 miles laterally of U. S. Highway 99 between Fresno, including said point, and 25 miles south of Bakersfield. No shipment shall be transported having both points of origin and destination within a 20-mile radius of Sacramento.
- (b) U. S. Highway 50 between Tracy and Stockton, including said points.
- (c) State Highway 33 between Tracy and Maricopa, including said points.
- (d) To, from and between all points and places set forth in paragraphs (a), (b) and (c) above, including Huron and Kettleman City.

Applicant shall use all available routes in the above-described service.

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.

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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 semiplastic 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.

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