

**ORIGINAL**Decision No. 61730

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 MERCEANTS EXPRESS OF CALIFORNIA, a )  
 corporation, for a certificate of )  
 public convenience and necessity to )  
 extend highway common carrier serv- )  
 ice, to wit, to remove a restric- )  
 tion from its existing highway )  
 common carrier authority. )

Application No. 42945

Berol and Geernaert by Bruce R. Geernaert,  
 for applicant.

O P I N I O N

Merchants Express of California, presently rendering service as a highway common carrier, requests that the certificate granted to it by Decision No. 59533 be amended by removal of the restriction quoted below, which prevents the applicant from picking up freight in the restricted area:

"Merchants Express of California shall transport no freight originating in Mendocino, Sonoma or Lake Counties unless authorized by rights granted by a decision other than that noted in the margin."

The applicant presently holds authority under a group of certificates (Exhibit No. 1 in evidence) which authorize the hauling of general commodities and various special commodities over most of the routes in California. It also operates as a radial highway common carrier, a highway contract carrier and a city carrier.

Copies of the application were served on all carriers competing with the applicant for the business that would be authorized by the removal of the restriction.

A public hearing was held in Ukiah on February 9, 1961, before Examiner Edward G. Fraser. No one appeared at the hearing in protest to the authority requested.

The vice president of applicant testified the restriction they hope to have removed has caused widespread confusion among their shippers. They are authorized to serve varied points and certain routes in Lake, Mendocino, and Sonoma Counties, under the operating authorities granted by Decisions Nos. 41240, 51745 and 59884 (Exhibit No. 1 in evidence). The restriction to be removed does not affect the operating rights granted by other decisions, which places the applicant in the anomalous position of being able to deliver to anyone in the three counties, but with authorization to pick up only in the towns and along the routes specified in the three decisions previously identified.

The witness mentioned that shippers can deliver to the applicant only at certain towns as mentioned above. This has prompted the shippers to request applicant to petition to have the restriction removed. The applicant also maintains a daily service on U. S. Highway 101 north to Eureka. If the restriction is removed, the applicant will institute same-day service from Ukiah to Eureka. This service is now overnight, since the goods are usually shipped to San Francisco the first day and from the Bay Area to Eureka on the second day.

The applicant operates in California with 185 trucks, 236 tractors, 567 trailers and 118 converter dollies. The applicant is now operating 14 terminals and will construct a new one in Ukiah if this application is granted.

Four shipper witnesses testified they use the applicant's service for their incoming deliveries. They prefer its broad coverage and hope to be able to use Merchants Express for their outgoing shipments. These witnesses were from Ukiah, Cloverdale and Willits.

They testified they frequently ship to Eureka and the service presently available carries the goods to San Francisco for overnight layover and delivery to Eureka the next day. They favor the removal of the restriction because the applicant will then be able to provide same-day service from Ukiah to Eureka.

It appearing that the removal of the restriction will improve the service presently available from the Ukiah area to Eureka by enabling the applicant to provide same-day service, the Commission hereby finds and concludes that public convenience and necessity require that the application be granted to the extent provided by the following order. The applicant's equipment, financial condition and experience are adequate for the present operation.

The certificate granted to the applicant by Decision No. 59533 will be amended by deleting therefrom the restriction quoted herein. In order to prevent confusion, the certificate will be restated, less the restriction.

O R D E R

An application having been filed, a public hearing having been held and based on the evidence therein adduced,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is granted to Merchants Express of California, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes as more particularly set forth in Appendix A attached hereto and made a part hereof.

2. That the certificate of public convenience and necessity granted in paragraph 1 of this order supersedes the certificate of public convenience and necessity granted by Decision No. 59388 dated December 15, 1959, as amended by Decision No. 59533 dated January 15, 1960, in Application No. 41179, which certificate is hereby canceled

and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

3. 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 one hundred twenty 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.

4. That, within six months after the effective date of this order, Merchants Express of California shall file an application with this Commission requesting a restatement of all of its operating rights.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of MARCH, 1961.

[Signature]  
President  
[Signature]  
[Signature]  
Commissioners

Merchants Express of California, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport property as follows:

General commodities, except uncrated household goods, petroleum and petroleum products in bulk, livestock, and articles of extraordinary value, between all points and places on the following routes and points and places within 20 miles laterally thereof:

1. All points and places in its Los Angeles Basin Territory, as defined in Appendix C to Decision No. 58991.
2. Between Laytonville and San Ysidro on U.S. Highways 101 and 101A.
3. Between Oakland and Auburn on U. S. Highway 40.
4. Between Oakland and Placerville on U. S. Highway 50.
5. Between Oakland and Sacramento on California Highway 24.
6. Between Pinole and Altaville on California Highway 4.
7. Between Napa and Lodi on California Highway 12.
8. Highways connecting Oakland, Stockton and Sacramento via U. S. Highways 40, 50 and 99.
9. California Highway 140 between Gustine and Merced.
10. California Highway 49 between Mariposa and Nevada City.
11. California Highway 120 between junction U. S. Highway 50 and Yosemite National Park.
12. California Highway 108 between Sonora and Strawberry.

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13. California Highway 20 between Ukiah and Nevada City.
14. California Highway 45 between Woodland and junction California Highway 32.
15. U. S. Highway 40 Alternate between Woodland and Fulga.
16. All connecting highways between U. S. 99E and U. S. 99W, serving Paradise as an off-route point.
17. U. S. Highway 99 between Redding and California-Oregon Border.
18. U. S. Highway 395 between Riverside and San Diego.
19. Lateral highways, California 198, 41, 166, 126, 118, U. S. Highways 466, 399, between U. S. Highways 101 and 99.
20. California Highway 33 between junction U. S. Highway 50 and Maricopa.
21. California Highway 29 between Calistoga and junction California Highway 20.
22. California Highway 53 between junction California Highway 29 and junction California Highway 20.
23. California Highway 128 between Calistoga and Geyserville.
24. California Highway 16 between Woodland and junction California Highway 20.

The above-described rights shall be subject to the restriction that Merchants Express of California shall transport no freight from, to or between points located over and along State Highway 140 or within five miles laterally thereof between Yosemite and a point one mile east of Merced.

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