

Decision No. 61813**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SPECIAL SERVICE TRANSPORTATION
CORPORATION, LTD., a corporation,
for a certificate of public con-
venience and necessity to extend
highway common carrier service.

Application No. 42276

OPINION AND ORDER MODIFYING DECISION

Applicant, Special Service Transportation Corporation, Ltd., has accepted the certificate of public convenience and necessity granted in Decision No. 60965 and has petitioned the Commission to reconsider the record with respect to certain points for which no operating authority was granted.

Decision No. 60965 granted Special Service a certificate of public convenience and necessity to transport certain commodities dealt in by retail and wholesale grocery establishments between the Los Angeles Territory and all points and places along and within 20 miles laterally of U. S. Highway 99 between and including Mettler and Fresno.

Special Service contends that it also sought authority to serve various points along Highways 33, 399 and 178 including points located within 20 miles laterally of these highways.

The petition avers:

"That applicant produced witnesses to show the need for service to points within said area requested generally and particularly to the larger towns of Maricopa, Taft, Kernvale, Isabella, Wofford Heights and Kernville. That all of said points are within a radius

of 20 miles of the highways enumerated but more than 20 miles from Highway 99 for which a certificate was approved. That Taft and Maricopa are approximately 32 and 25 miles from Highway 99 and Kernville is approximately 55 miles Northeast of Bakersfield on Highway 178 likewise the other points enumerated hereinabove are in excess of 20 miles of Highway 99."

Special service also contends that it "...sought authority to transport property from Buena Park as well as Los Angeles but the decision fails to grant authority to serve Buena Park as an origin point." Applicant represents that the evidence adduced at the hearing justified the grant of authority as sought by applicant.

The application, as filed, sought authority to transport:

"THOSE COMMODITIES DEALT IN BY RETAIL AND WHOLESALE GROCERY ESTABLISHMENTS IN REGULAR AND REFRIGERATED EQUIPMENT AS AMENDED,

Between the Los Angeles Territory as described in Item 270-3-c Cal. P.U.C. M.R.T. #2 and Buena Park on the one hand; and, Mettler on the south, Kernville on the east; Taft on the west; and Fresno on the north; over and along Highways Numbered 99, 33, 399 and 178 and all points and places within a radius of twenty (20) miles on either side of said highways; and points and places within a twenty (20) mile radius of said KEY points herein named."

However, at the hearing on the matter Michael N. Gambos, the secretary-treasurer and majority stockholder of Special Service, testified as follows:

"Q. Mr. Jacobson Now, the territory that's outlined within a radius of 20 miles of Fresno on the north and Mettler on the south is the territory you propose to serve under this application for those commodities dealt in by retail and wholesale grocery establishments?

A. Mr. Gambos Yes, sir."

The Commission, in considering Application No. 42276, interpreted this testimony as restricting the relief sought. It appears, however, from the instant petition that the question and answer above set forth did not encompass the entire request for the additional operating authority sought by Special Service. There were no protestants at the hearing on this matter. In the circumstances, the Commission finds that further public hearing is not necessary. The Commission has, therefore, reviewed the entire record to determine whether the granting of additional operating authority is herein warranted. It appears that Decision No. 60965 inadvertently failed to grant Special Service Buena Park as a point of origin. In addition, there is evidence in the record which indicates a need for the service proposed by Special Service between the Los Angeles Territory and Buena Park on the one hand, and the following:

- (1) All points and places on State Highway No. 33 from the point of intersection of said highway with U. S. Highway 99 to Taft.
- (2) All points and places on U. S. Highway 399 from the point of intersection of said highway with U. S. Highway 99 to Taft.
- (3) All points and places on State Highway 178 and unnumbered county roads between McKittrick and Kernville.
- (4) All points located laterally within 20 miles of said routes.

The Commission finds that public convenience and necessity require that Special Service be granted additional highway common carrier operating rights to the extent hereinafter set forth. Decision No. 60965 should be modified to provide for these additional operating rights.

O R D E R

Based upon the evidence of record in this proceeding,
IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Special Service Transportation Corporation, Ltd., a corporation, authorizing it to operate as a highway common carrier, as defined by Section 213 of the Public Utilities Code, between the points and over the routes as more particularly set forth on Original Page 6 of Appendix A, attached hereto and made a part hereof.


2. In providing service pursuant to the certificate of public convenience and necessity herein granted, applicant shall comply with and observe the following service regulations:

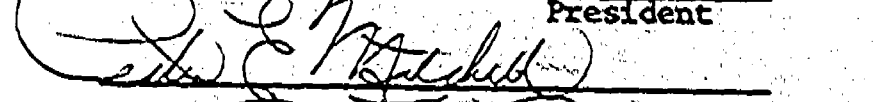
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual 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 to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

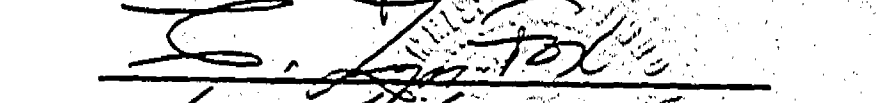
3. Appendix A of Decision No. 60965 is amended by incorporating therein First Revised Page 5 in revision of Original Page 5, and Original Page 6.


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

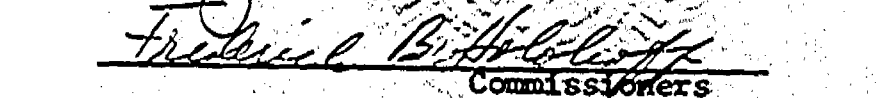
Dated at _____, California, this _____ day of _____, 1961.



President








Commissioners

Candles, as described in Item 19990.
Cartridges, small arms, as described in Item 5980.
Cellulose film or film products, as described in
Items 21490 and 21510.
Charcoal and charcoal briquettes or pellets, as
described in Items 21940 and 21950.
Cigar or cigarette lighter liquids or pastes, as
described in Item 26850.
Cleaners, tobacco pipe, as described in Item 27560.
Cleaning, scouring or washing compounds, as
described in Items 27570 through 27590.
Combs, as described in Items 28870 through 28890.
Confectioners' colorings, as described in Item 30470.
Cordage, as described in Items 30790 and 30800.
Liquors or liquids, nonalcoholic, as described in
Item 56895.
Mats, as described in Items 67710 through 67745.
Notions, as described in Item 70820.
Pipe stems or mouthpieces, or cigar or cigarette
holders, as described in Item 77510.
Pipes, tobacco, as described in Items 77520 and 77530.
Popcorn, as described in Items 46910 and 46915.
Rennet extract, as described in Items 83260 and 83270.
Starch, as described in Items 87755 through 87770.
Steel wool, as described in Items 88070 and 98090.
Stoppers, bottle, as described in Items 88120 through
88170.
Tires or tubes, rubber, as described in Items 84440
through 84490.
Toasters, as described in Item 89790.
Wrappers, as described in Items 98170 and 98180.

NOTE: The term "Items" as used above refers to the specified
items as listed in Western Classification No. 77,
J. P. Hackler, Tariff Publishing Officer, on the issue
date thereof and Supplements 9, 11, 13 and 15 thereto.

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BETWEEN points in the Los Angeles Territory as described in Appendix B attached hereto, and Buena Park, on the one hand, and, on the other hand, all points and places on and within 20 miles laterally of the following highways:

- (1) State Highway No. 33 between the point of intersection of said highway with U.S. Highway No. 99 and Taft, inclusive;
- (2) U.S. Highway No. 399 between Greenfield and Taft, inclusive;
- (3) State Highway No. 178 between McKittrick and Isabella, inclusive;
- (4) Unnumbered county road between Isabella and Kernville, inclusive; and
- (5) U.S. Highway No. 99 between Mettler and Fresno, inclusive.

End of Appendix A

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