

ORIGINAL

Decision No. 61888

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
J. CHRISTENSON CO., a corporation,
for an Order Removing Restriction
from its Certificate of Public
Convenience and Necessity to operate
as a Highway Common Carrier.

Application No. 43066

Willard S. Johnson, appearing for applicant.

O P I N I O N

By application filed with the Commission on January 16, 1961, applicant seeks to remove a restriction from its certificated authority.

Applicant is now authorized to transport general commodities as a highway common carrier from, to and between virtually all points in California on or within five miles of the primary and secondary highways from Redding, Shasta Dam and Geyserville, on the north, to the California-Mexico boundary at San Ysidro, on the south. The restriction applies to transportation between points and places in the San Francisco-East Bay Cartage Zone on the one hand, and places in Marin, Sonoma and Napa Counties, on the other hand, where only specified commodities may be transported.

A public hearing was held in San Francisco on March 1, 1961, before Examiner Martin J. Porter and the matter was submitted. There was no protest to the application.

The evidence presented shows that daily highway common carrier service is now rendered by applicant from, to and between all the points embraced in the restriction which is here sought to

be removed. Such transportation is restricted to the transportation of specified commodities which include all foodstuffs, commodities requiring temperature control in transit, containers, labels, packaging materials, advertising matter, ice and dry ice.

Applicant testified as to a substantial list of equipment now used in rendition of its service and that it would be adequate to meet transportation needs should the restriction be removed.

It was further alleged that many of the shippers and receivers now using applicant's service throughout the State, including the area embraced in the restriction sought to be removed, ship and receive commodities which applicant is authorized to transport in the restricted area and commodities which are not so authorized in the restricted area, but which applicant is authorized to transport from, to and between all other points on its certificated system. This causes such shippers and receivers to exercise extreme care in selecting the commodities to be included in shipments from, to and between points in the restricted area as contrasted with their shipping and ordering procedures incident to the use of applicant's service throughout the rest of applicant's system.

The application of the restriction is confusing to shippers and to applicant's personnel. For example, some shippers maintain stocks of merchandise at several points, some of which are in the restricted area, such as San Francisco or Oakland, and some of which points are in applicant's unrestricted areas of service, such as San Jose, Sacramento, Stockton, Fresno and Los Angeles.

In filling their customers' orders for merchandise, shipments are made from stocks maintained at one or more of such points. Thus, a supplier of an item involved in the restriction sought to be

removed could be shipped by applicant from one point served by applicant, but not from another point served by applicant.

In Exhibit "B", attached to the application, the income statement for 9 months ended September 1960 shows net income of \$34,233.26.

After consideration of all the evidence, the Commission finds and concludes that public convenience and necessity require the granting of the application to remove the aforementioned restriction.

O R D E R

A public hearing having been held in the above-entitled matter, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

1. That the certificate of public convenience and necessity granted to J. Christenson Co., a corporation, by Decision No. 60116 dated May 17, 1960, in Application No. 41288, be and it is modified as more specifically set forth in First Revised Pages 1, 4, 5, 6 and 7, which are revisions of Original Pages 1, 4, 5, 6 and 7 to Appendix A of Decision No. 60116, which pages are attached hereto and made a part hereof.

2. In providing service pursuant to the certificate of public convenience and necessity as herein modified, 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 as herein modified. By accepting the certificate of public convenience and necessity as herein modified, 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.

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

Dated at San Francisco, California, this 25th day of April, 1961.

Ernest O. Page
President
John E. Mitchell
E. J. Fox
George L. Brown
Frederic B. Hallock
Commissioners

J. Christenson Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between:

A. All points in the following territories:

San Francisco Territory as described in Appendix B hereto attached.

Los Angeles Basin Territory as described in Appendix C hereto attached.

B. The points and places designated in Paragraph A, on the one hand, and, on the other hand, all points on or within five miles laterally of the following highways and roads:

- (1) U.S. Highways 101 and 101-A between Geyserville and the Ventura-Los Angeles County boundary.
- (2) U.S. Highways 99 and 99-W between Project City and San Fernando.
- (3) U.S. Highway 99-E between Red Bluff and Roseville.
- (4) Unnumbered road between Redding and Summit City.
- (5) Unnumbered road between Project City and Summit City.
- (6) Unnumbered road between Chico and Stirling City, via Paradise.
- (7) State Highway 32 between Orland and Chico.
- (8) State Highway 24 between Oakland and Oroville.
- (9) State Highway 20 between Williams and Nevada City.
- (10) State Highway 49 between Auburn and Grass Valley.
- (11) Unnumbered road between Junction with U.S. Highway 99-E and Marysville Army Cantonment, Camp Beale, California.
- (12) Unnumbered road between Junction with U.S. Highway 99-E (Oroville Wye) and Oroville.
- (13) State Highway 45 between Knights Landing and Hamilton City.
- (14) State Highway 128 between Geyserville and Calistoga and between Winters and Davis.
- (15) State Highway 29 between Calistoga and Vallejo.

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- (68) State Highway 178 between Bakersfield and McKittrick.
- (69) State Highway 399 between Taft and its intersection with U.S. Highway 99 at Greenfield.
- (70) U.S. Highway 466 between Morro Bay and Famosa.
- (71) State Highway 41 between Paso Robles and Shandon.
- (72) State Highway 1 between San Luis Obispo and Morro Bay.
- (73) State Highway 166 between Maricopa and Intersection with U.S. Highway 99.
- (74) State Highway 126 between Ventura and Castaic Junction.
- (75) State Highway 118 between Ventura and San Fernando.
- (76) State Highway 1 between Pismo Beach and Las Cruces.
- (77) U.S. Highway 101 between Los Angeles and San Ysidro.
- (78) U.S. Highway 395 between Riverside and San Diego.

C. Locally, between all points and places on or within five miles laterally of the highways and roads embraced in subparagraphs (1) through (78) above:

NOTE 1: Applicant may serve between all points included in Paragraphs A, B, and C above or any of said paragraphs.

NOTE 2: Applicant may use any and all streets, roads, highways, toll roads, and toll bridges necessary or convenient to the performance of the transportation herein authorized.

Applicant shall not transport any shipments of:

1. Used households 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, bus chassis.

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Appendix A

J. CHRISTENSON CO.
(a corporation)

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Cancels
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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. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.

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