

**ORIGINAL**Decision No. 62519

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Robert Pieri, doing business as C-LINE  
EXPRESS, for an extension of his  
Certificate of Public Convenience and  
Necessity to operate as a highway common  
carrier.

Application No. 43059  
(Filed January 13, 1961)

E. H. Griffiths, for Robert Pieri, doing business  
as C-Line Express, applicant.  
Graham, James & Rolph, by Boris H. Lakusta and  
Leo J. Vander Lans for California Motor Express,  
Ltd., and California Motor Transport Co., Ltd.,  
Delta Lines, Inc., Di Salvo Trucking Co., Fortier  
Transportation Co., Interlines Motor Express,  
Merchants Express of California, Oregon-Nevada-  
California Fast Freight and Southern California  
Freight Lines, Shippers Express, Sterling Transit  
Co., Inc., Valley Express Co., and Valley Motor  
Lines, Inc., and Willig Freight Lines, protestants.

O P I N I O N

This application was heard before Examiner Martin J. Porter at Napa, March 30, 31, and at San Francisco, May 31 and June 1, 1961, on which latter date it was submitted. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules.

Applicant operates as a highway common carrier presently transporting general commodities between San Francisco and Oakland, on the one hand, and Calistoga, on the other hand. Applicant requests authorization to extend highway common carrier operations so as to transport general commodities to the San Francisco Territory, Sacramento, Stockton, Pittsburg, Antioch, Martinez, Port Chicago, and the Lake Berryessa resort area. Applicant proposes daily on-call service, applying generally rates prescribed by the Commission in Minimum Rate Tariffs.

Applicant's Profit and Loss Statement for a ten-month period ending October 31, 1960, shows a net operating profit of \$29,468.10 before providing for Federal Income Tax.

Applicant testified that he operates also as a Radial Highway Common Carrier and as a Contract Carrier. Shippers have traffic destined to points both within his certificated area and beyond. These shipments must now be rated without the benefit of split-delivery provisions, which results in a higher transportation charge than would be the case if the proposed service was authorized.

Shipper witnesses who testified on applicant's behalf were mainly concerned with the time in transit of the freight they either shipped or received. They believed that if the application were granted applicant would afford faster service than the presently certificated carriers provide. These witnesses used the applicant's present service and considered it excellent.

The protestants presented evidence through witnesses representing Merchants Express of California, Delta Lines, California Motor Transport Co., Ltd., Pacific Motor Trucking Company. The highway common carriers represented by these witnesses now serve in the area other than the Lake Berryessa resort area sought by this applicant. They have sufficient equipment, facilities, personnel and resources to continue their service. They claimed that there is an overabundance of certificated carriers in the area now and any additional certification will only increase competition for the existing freight. They contended that dilution of the existing freight available to them will reduce the load factor of their trucks and make it difficult to get efficient use of the wage dollar.

Evidence was also presented that it would not be economically feasible for a carrier to conduct same-day service, in an area such as proposed by the applicant.

The evidence put forth by the applicant is not convincing that the public is in need of the service as proposed. Upon consideration of the evidence, the Commission finds and concludes that applicant has failed to establish that public convenience and necessity require the proposed service.

ORDER

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that Application No. 43059 is hereby denied.

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

Dated at San Francisco, California, this 5<sup>th</sup> day of SEPTEMBER, 1961.

\_\_\_\_\_  
President

\_\_\_\_\_  
E. ...

\_\_\_\_\_  
Commissioners