

ORIGINAL

Decision No. 62924

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 ALBERT NOCE, an individual doing )  
 business as H & N TRANSFER CO., for )  
 a certificate of public convenience )  
 and necessity as a highway common )  
 carrier of general commodities be- )  
 tween all points in the Los Angeles )  
 Basin Territory, pursuant to Sec- )  
 tions 1063 - 1064 of the Cal- )  
 ifornia Public Utilities Code. )

Application No. 43275  
(Filed March 29, 1961)

Altagen and Rubin, by Milton W. Black and  
Joseph L. Altagen, for applicant.  
 Graham James and Rolph, by Boris H. Lakusta  
 and Leo J. Vander Lans, for protestants.

O P I N I O N

This application was heard before Examiner Kent C. Rogers in Los Angeles on May 18 and July 17, 1961. On the latter date it was submitted subject to the filing of concurrent briefs on or before August 1, 1961. These briefs have been filed. Copies of the application and of the notice of hearing were served in accordance with the Commission's procedural rules. The protestants are California Motor Express, Ltd., California Motor Transport Company, Ltd., Delta Lines, Inc., Southern California Freight Lines, Pacific Motor Trucking Company, California Cartage Company, Inc., and Boulevard Transportation Company.

Applicant is a highway permit carrier engaged in the transportation of general commodities between points in the

Los Angeles Basin Territory. He requests authorization to conduct operations as a highway common carrier for the transportation of general commodities, with exceptions, between points and places in said territory.

Applicant proposes to establish rates substantially in conformity with the rates and charges published in Minimum Rate Tariff No. 2 of this Commission. Service will be on call daily except Sundays and holidays. A same-day service will be provided on request if calls are received prior to approximately noon.

Applicant has been in the trucking business for a period of 17 years. He is the sole owner of the business. His office is in the City of Los Angeles. At present he leases an 80-foot by 30-foot dock on a piece of land 200 feet by 100 feet. Eight trucks can be accommodated simultaneously at the dock. The lease on the dock facilities expires in December 1961 and applicant expects to release them, or build on a piece of property he owns in the City of Commerce.

Applicant has for use in the business 10 pickup trucks, 1949 to 1956 models; three tractors, 1950-1952 models; and one 20-foot and two 35-foot trailers.

Exhibit No. 1 herein is a list of 17 shippers. Applicant stated this is a complete list of his present regular customers. Some of these he had served for 17 years and some for one or two years. He also averages 8 to 10 nonlisted customers per week.

Applicant's fixed assets consist of his trucking equipment with a depreciated cost of \$9,006, furniture and fixtures with a depreciated cost of \$65.00, his home valued at \$18,719, and a lot

in the City of Commerce for which applicant agreed to pay \$38,000, and on which he still owes \$29,902. His revenue from operations in 1960 was \$97,199 and his total net profit with no allowance for salary for him or his wife, who acts as his bookkeeper, was \$8,657.

The applicant called as witnesses in support of the application six of his shipper customers. Each had been using applicant's service as a permitted carrier, one for 17 years and others for periods varying down to two years. One of the shippers only proposes to use applicant to Indio which is outside the Los Angeles Basin Territory. Each desires that the applicant be granted a certificate of public convenience and necessity so his services will continue to be available. They know that there are other carriers available and most use other carriers.

The protestants called as witnesses the representative of a chain of shoe stores (Gallen Kamp Stores Company), Pacific Motor Trucking Company, Southern California Freight Lines, California Cartage Company, and Boulevard Transportation Company.

The Gallen Kamp Stores Company's traffic manager opposed the granting of the proposed certificate as, in his opinion, the additional service would dilute traffic which dilution, in turn, would result in increased rates.

The testimony of the carriers was that the increased number of carriers is resulting in reduced load factors and idle equipment.

The representative of one of the protestants, California Cartage Company, stated that, in his opinion, it would not be

possible for applicant to operate even a minimum daily service to all points in the proposed service area because of his lack of equipment.

The representative of the Southern California Freight Lines testified that some of the shippers of applicant listed on Exhibit No. 1, had recently used Southern California Freight Lines for transportation.

Upon consideration of the evidence the Commission finds and concludes that applicant has failed to establish that public convenience and necessity require that the application be granted. It will be denied.

O R D E R

A public hearing having been held, and based upon the evidence therein adduced, IT IS ORDERED that Application No. 43275 is denied.

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

Dated at San Francisco, California, this 12th day of DECEMBER, 1961.

*Cecil W. Page*  
President  
*John E. [unclear]*  
*Fredrick B. Hebehoff*

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\_\_\_\_\_  
Commissioners

E. Lyn Fox  
Commissioner \_\_\_\_\_, being  
-4- necessarily absent, did not participate  
in the disposition of this proceeding.