

ORIGINALDecision No. 63149

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 A & B GARMENT DELIVERY OF SAN FRANCISCO,
 a corporation, for an expansion and
 restatement of its certificate of public
 convenience and necessity authorizing
 highway common carrier service. } Application No. 42840

Daniel W. Baker, for applicant.
Roger L. Ramsey, for United Parcel Service;
Bruce R. Geernaert, for California Motor
 Transport, Inc., and Valley Motor Lines, Inc.;
 and Lloyd Rasmussen, for Transbay Motor Express
 Company; protestants.

OPINION ON REHEARING

By Decision No. 61999, dated May 16, 1961, applicant was granted a certificate of public convenience and necessity authorizing it to carry general commodities between the points and places and subject to the restrictions set forth in Appendices A and B attached thereto. Said authority was restricted in two respects. First, general commodities were to be carried only in van-type trucks equipped to carry garments on hangers, and second, transportation of such commodities was "limited to shippers who regularly shipped garments on hangers by applicant".

Applicant is one of a group of corporations which provide equipment fitted to carry garments on hangers. It has rendered a valuable service, particularly in the department store and specialty shop trades, serving also the manufacturers and wholesalers associated with those trades. Applicant is constantly being offered commodities commonly sold with clothing but which are not themselves clothes--for example, luggage, costume jewelry, shoes, bags, piece goods, curtains, umbrellas, and many others.

On June 5, 1961, applicant petitioned for modification and reconsideration, directed toward removal of the aforesaid restrictions. On August 8, 1961, rehearing was granted, pursuant to which public hearings were held before Examiner John Power at San Francisco on September 21, and October 2, 5 and 13, 1961, whereupon the matter was submitted. The same group of protestants appeared in the rehearing as in the original hearing. At the rehearing these protestants initially opposed the removal of these restrictions. However, subsequently applicant and protestants arrived at a stipulation. Applicant then presented the stipulation with the request that its certificate be amended accordingly.

In general terms, the stipulation provides that service shall be limited to transportation of garments and commodities commonly sold in clothing stores to any member of the public. General commodities, on the other hand, may be carried when moving to or from garment retailers, between retailers, wholesalers and manufacturers of the specifically named commodities, and to or from fashion shows. Retail deliveries were agreed to be excluded and a restriction against so-called "package" rates was agreed upon. The stipulation does not appear to be adverse to the public interest. Accordingly, it will be accepted and applicant's certificate will be amended as set forth in Appendix A.

The Commission finds and concludes that public convenience and necessity require the amendment of Decision No. 61999 as provided by the following order.

ORDER ON REHEARING

Further hearings having been held and the Commission basing its order on the evidence therein adduced,

IT IS ORDERED that:

1. Appendix A to Decision No. 61999, dated May 16, 1961, herein is hereby amended by substituting First Revised Pages 1 and 2 therein replacing Original Pages 1 and 2 thereof, and by adding thereto Original Page 3, all as hereto attached.

2. As herein amended, said Decision No. 61999 is continued in full force and effect.

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

Dated at San Francisco, California, this 23rd day of January, 1962.

Robert A. Beane
 President

W. L. Kistner

E. Lynn Fox

George J. Brewer

 Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

A & B Garment Delivery of San Francisco, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

I. Apparel, wearing	Draperies	Patterns
Bags, cloth	Dry Goods	Shirts
Bags, hand	Fittings, tailored	Shoes
Bath Robes	Footwear	Suspenders
Belts	Furnishings, men's	Tapes, cloth
Blouses	Garments	Textiles
Buttons	Gloves	Thread
Cloth	Hangers, clothes	Ties
Cloth, piece goods	Hose	Towels
Clothing	Jewelry, costume	Trimmings, tailored
Clothing Accessories	Lining, clothes	Umbrellas
Containers, clothes	Luggage	Yarns

II. General Commodities not named above when transported:

- (a) To or from retailers of garments, not including retailers which sell garments incidentally such as (but not limited to) hardware stores, drug stores, and grocery stores; and
- (b) Between retailers of the commodities specifically named in Paragraph I above, wholesalers of the

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commodities specifically named in Paragraph I
above, and manufacturers of the commodities
specifically named in Paragraph I above; and

(c) To or from fashion shows.

1. Between all points and places within San Francisco Territory as described in Appendix B attached hereto and within 5 miles of the boundary thereof.
2. Between all points and places on and within 5 miles laterally of the following highways:
 - a. U.S. Highway 101 between San Francisco and the junction of said highway with State Highway 37 one mile north of Ignacio, inclusive;
 - b. State Highway 37 between Ignacio Junction and Napa, inclusive, including the off-route point of Sonoma;
 - c. U.S. Highway 40 between San Francisco and North Sacramento, inclusive;
 - d. State Highway 29 between the junction of said highway with U.S. Highway 40 and Napa, inclusive;
 - e. U.S. Highway 50 between San Francisco and Sacramento, inclusive, including the off-route point of Pleasanton;
 - f. State Highway 4 between the junction of said highway with U.S. Highway 40 and Stockton, inclusive, including the off-route points of Port Chicago and Byron;
 - g. State Highway 24 between Oakland and Pittsburg, inclusive, including the off-route point of Moraga;
 - h. State Highway 21 between Warm Springs and Martinez, inclusive;
 - i. U.S. Highway 99 between Stockton and Modesto, inclusive;

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- j. State Highway 33 between the junctions of said highway with U.S. Highway 50 near Tracy and State Highway 132 near Vernalis, inclusive; and
 - k. State Highway 132 between the junction of said highway with State Highway 33 near Vernalis and Modesto, inclusive.
- 3. Between all points and places within 10 miles of the City of Sacramento.
 - 4. Between all points and places within 10 miles of the City of Stockton.

Through routes and rates may be established between any and all points and places specified in paragraphs 1 through 4, inclusive.

Applicant may use any and all available alternate routes for operating convenience only.

CONDITIONS

(1) Applicant shall not transport property sold by a retail merchant from said retail merchant's store or warehouse to the purchaser thereof.

(2) Rates maintained on merchandise in cartons exceeding 3 pounds in weight shall be assessed on a "per shipment" basis and not upon a "per package" basis, except on movements between retail stores and branches or warehouses thereof.

End of Appendix A

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