

**ORIGINAL**Decision No. 65672

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 MERCHANTS EXPRESS OF CALIFORNIA, a  
 corporation, for an in-lieu certifi-  
 cate of public convenience and  
 necessity.

Application No. 44177

O P I N I O N

Applicant's operating authority was restated by Decision No. 63984 dated July 24, 1962. In the Mojave Desert area applicant was granted twenty-mile lateral rights to the east of U. S. Highway 99 and to the north of Los Angeles Basin Territory as defined in Appendix B to said decision. Desert Express and Victorville-Barstow Truck Line filed a petition for rehearing involving this desert area, only. The Commission granted this petition on November 7, 1962.

Applicant and the principal protestant-petitioner, Desert Express, thereupon entered into protracted negotiations looking toward a compromise of their differences.

On April 22 the parties filed a stipulation covering the situation. Applicant accepts a restriction of its lateral rights to five miles east of U. S. Highway 99 and five miles north of the northerly line of Los Angeles Basin Territory, Highway 99 to Yucaipa. The protestant-petitioner agrees that if such an exception is placed in the certificate its petition for rehearing may be considered withdrawn and dismissed.

Based on the stipulation of the parties, the Commission finds that public convenience and necessity will not in the future require the services of Merchants Express of California, a corporation, at points more than five miles east of U. S. Highway 99

between Eakersfield and the northerly boundary line of Los Angeles Basin Territory nor more than five miles northerly of the northerly boundary line of Los Angeles Basin Territory between U. S. Highway 99 and Yucaipa except such points as are within five miles easterly of U. S. Highway 99.

It has also come to our attention that the limitations with respect to the transportation of explosives and other dangerous articles now contained in applicant's certificate are more restrictive than intended by the order in Decision No. 63984. This matter will be corrected by the order herein.

The Commission concludes, therefore, that Appendix A of Decision No. 63984 should be amended in the manner encompassed by the ensuing order.

A public rehearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 63984 is amended by incorporating therein First Revised Pages 1, 2 and 3 and Original Page 4, attached hereto, in revision of Original Pages 1, 2 and 3.
2. As herein amended, Decision No. 63984 in this proceeding shall be continued in full force and effect.

3. Upon the effective date of the revisions made by paragraph 1 of this order, proceedings under the Order Granting Rehearing, dated November 7, 1962 herein shall stand dismissed.

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

Dated at San Francisco, California, this 9th day July, 1963.

William W. Bennett  
President

John L. ...

Everett ...

George H. Grover

Frederick B. Holbrook  
Commissioners





- EXCEPTION 1: Merchants Express of California is not authorized hereunder to serve from, to or between points and places located over and along State Highway 140 or within five miles laterally thereof between Yosemite and a point one mile east of Merced, except points and places within 25 miles of U.S. Highway 99.
- EXCEPTION 2: Merchants Express of California is not authorized hereunder to serve points and places more than 20 miles west of U.S. Highway 101 between Santa Rosa and Longvale, both inclusive.
- EXCEPTION 3: Merchants Express of California is not authorized hereunder to serve the following:
- (1) Korbell and Blue Lake and all other points and places on U.S. Highway 299 within 10 miles of U.S. Highway 101.
  - (2) Hydesville and all points and places located on the county road from Fortuna to Hydesville via Rohnerville, all points and places on State Highway 36 east of Hydesville within 10 miles of U.S. Highway 101, and all points and places on county roads from junction State Highway 36 and county road near Bridgeville to Fort Seward, Alderpoint and Zenia within 10 miles of U.S. Highway 101.
- EXCEPTION 4: Merchants Express of California is not authorized hereunder to serve any point more than five miles east of U.S. Highway 99 in the area between Bakersfield and the northern boundary of the Los Angeles Basin Territory as defined in Appendix "B" (except as otherwise authorized) nor is it authorized to serve any point more than five miles north of the northerly boundary of the Los Angeles Basin

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Appendix A      MERCHANTS EXPRESS OF CALIFORNIA      Original Page 4  
(a corporation) .

Territory between its intersection with U.S. Highway 99 and Yucaipa as defined in Appendix "B" (except that it may serve such points as may lie within five miles laterally of U.S. Highway 99).

Merchants Express of California may use any street, road, highway, ferry or toll bridge necessary or convenient in performing the service herein authorized, and may establish through routes and rates between any and all points and places authorized to be served.

Miles and lateral miles referred to in this appendix are statute miles of 5,280 feet each, measured in a straight line without regard to terrain features.

To the extent of any duplication of operative rights set forth in this appendix, such operative rights may not be separated to permit Merchants Express of California to sell or transfer one certificate authority and retain another certificate authority to perform the same service.

End of Appendix A

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