Decision No. $\qquad$

BEFORE THE PUBLIC UTILITIES COMMISSION OF TEE STATE OF CAITFORITA

In the Matter of the Application of MERCHANTS EXPRESS OF CALIFORNLA, a corporation, for an in-1ieu certifycate of public convenience and necessity.

Application No. 44177

## OPINION

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 VictorvilleBarstow Truck lire filed a petition for rehearing involving this desert area, only. The Commission granted this petition on November 7, 1962.

Applicant and the principal protestant-petitioncr, 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 98 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agrees that if such an exception is placed in the certificate its petition for rehearing may be considered withdrawn and dismissed.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 corporaLion, at points more than five miles east of U. S. Highway 99
between Eakersficld and the northerly boundary line of los Angeles Basin Territory nor more than five miles northerly of the nortberly boundary line of Los Angeles Basin Territory between U. S. Highway 99 and Yucaipa except such points as axe within five miles easterly of U. S. Highway 99.

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

The Comission concIudes, therefore, that Appendix A of Decision No. 63984 should be amended in the manner encompassed by the ensuing ordex.

A public rehearing is not necessary.

$$
\underline{O} \underline{R} \underline{R}
$$

II IS ORDERED that:

1. Appendix A of Decision \$0. 63984 is amended by incorporating therein First Revised Pages 1, 2 and 3 and Original Page 4, attached bereto, in revisicn of Original Pages 1,2 and 3.
2. As herein amended, Decision No. 63584 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.


Appendix A NERCEANIS EXPRESS OF CAITFORNLA First Revised Page 1
(a comporation). . Cancels
Original Page 1
iverchants Express of California, a corporation, is
authorized to transport property as follows:
GENTERAI COMMODIIIES, except:

1. Used houschold goods and personal effects not packed in accorciance witin tine crated property requirements set forth in paragraph (d) of Item No. 10-C of Ninifum Rate Tariff NO. $4-A$.
2. Commodities when transported in buik in dump trucks or in hopper-type trucks.
3. Comodities when transported in motor vehicles equipped for mechanical mixang in transit.
4. IIvestock, v1z.: bucks, buls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outifits, sows, steers, stags or swipe.
5. Automobiles, trucks anc buses, riz.: now and used, finished or unfinushec passenger automobiles (incluaing seeps), ambulances, hearses and taxis; fredgit automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis.
6. Articies of extraordinary value as set forth in Rule 3 of Western Classification 77, J. P. Hackier, Farifis Publisiong ofifcer, on the 1scue date thereof.
7. Explosives as deseribed in and suoject to the regulations of American Irucking Associations, Inc., Agent, Notor Carriers' Explosives and Dangerous Articies Tariff 11, CaI.P.U.C. 6 , F.G. Freund, Issuing Ofifcer.

Issued by California Public Utilities Comission.
Decistion No. $\qquad$ , Application No. 4 4177 .
$\begin{array}{cc}\text { Appendix A. MERCHANIS EXPRESS OF CATIFORNTA First Revised Page } 2 \\ \text { (a corporation) } & \text { Cancels }\end{array}$

Between all points and places on the highways or within the area hereinafter enuerated, including points and places within twenty miles of the enumerated highways and potints and places within twenty miles of the boundary of she descrited area except where different mileage is specifically noted:

1. An area bounded by a line comencint at the Pacific Ocean west of Westport; thence, cast along an imaginary Iine to Pulga; thence, southeast along an imaginary Ijne to Nevada City; thence, southerly along State Hiztway 49 to Maxiposa; thence, southwesterly along State Eighway 140 to Nercec; thence, southeriy along U.S. Highway 99 to tine northern boundary of the Los Angelec Basin Territory (described in Appendix B attached hereto); thence, easterly and southerly along the Los Angeles Basin Territory boundary to Tewecula; tinence, soutberly along U.S. Highway 395 to San Dicgo; thence, southerly along U.S. Highway 101 to San Ysidro; thence, west to the Pacific Ocean; thence, northerly along the coastitne of the Pacific Ocean to the point of beginning. (See Exceptions 1, 2 and 4.)
2. U.S. Eighways 99, 99E and 99w between the Calfforma-Oregon border and the northern boundary of the area described in NO. 1 above.
3. U.S. Highway 101 between Crescent City and the northern boundary of the area described in No. I above: Ofx-route service Iimited to pojnits and places within 10 miles of this route. (Sce Exception 3.)
4. State IIfoway 108 between Sonora and Strawberry.
5. State Highway 120 between junction State Highway 49 (near Jacksonville) and Yosemite National Park.

Issued by California Public Utilities Comission.
Decision NO: $\qquad$ Appincation No: 44177.

EXCEFTION 1: Merchanes Express of Califomia is not authorized hereunder to serve fxom, to or between points and places located over and along Seate Elizhway 140 or witisin five miles laterally thereof between Yosemite and a point one mile east of Merced, except points and places within 25 mines of U.S. Hizhway 99:

EXCPPTION 2: Merchants Express of Califomia is not arihorized bexeunder to serve pojnts and places moxe than 20 miles west of U.S. Zighway 101 jetween Santa Rosa and Longvale, both jncIusive.
EXCEPITON 3: Merchants Express of California is not authorized hexeundez to sexve the following:
(I) Kerbel and Blue Lake and all other points and places on U.S. Highway 299 within 10 miles of U.S. Highway IOI.
(2) Hydesville and all points and places located on the county road from Fortuma to Hydesville via Rohnervilie, ail points and places on State Highway 30 east of Hydesville within 10 miles of U.S. Hishway 10", and all points and places on county roais from junction State Hufoway 35 and county road near Bridgeville to Fort Sewati, Aldexpoint and Zenia within 10 miles of U.S. Highway 101.

EXCEPMON_S: Merchants Express of Caljefornia is not autionized hereunder to serve any point more than five miles east of U.S. Highway 99 in the axea between Bakersfield and the norchern boundary of the Los Angeles Basin Territory as defined in Appendix "' 3 " (execpt 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

Issued by California Public Utilities Comission.
Decision No. $\qquad$ , Application No. 44.177.

Appendix A MERCHANIS EXPRESS OR CAITFORNIA Orizinal Page 4 (a corporation).

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

Mexchants Express of California may use any street, road, highway, fenry or toll bridge necessary or comvenient in performing the service hexein authorized, med may establisin tirough routes anc rates between any and all points and places authorized to be setved.

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

To the extent of any duplication of operative zfogns set forth in this appencix, such operative rightes may not be separated to permit Merchants Express of Califomia to sell or transfer one certificate authoring and retain another certificace suthoriry to perform the same service.

End of Appendix A

Issued by California Public Utilieies Comission: Decision No. $\qquad$ 55372 , Application No. 44ㄴ․

