

ORIGINALDecision No. 65674

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of HENRY C. ESPINOSA, doing)
business as RESORT FREIGHT LINES,)
for an extension of his certificate)
of public convenience and necessity)
to operate as a highway common)
carrier.)

Application No. 44886

Bruce B. Bruchler, for applicant.

James T. Mastoris, for Santa Rosa Delivery Service;
Graham James & Rolph, by Boris H. Lakusta, for
Merchants Express of California, protestants.

O P I N I O N

Henry C. Espinosa, doing business as Resort Freight Lines, presently rendering service as a highway common carrier for the transportation of general commodities, with certain exceptions, between Calistoga, Middletown, Adams Springs, and intermediate points, requests authority to extend his service to all points and places on and within three miles of the following routes:

1. State Highway 29 between Adams Springs and its intersection with State Highway 20 near Upper Lake.
2. State Highways 53 and 20 between Middletown and Le Trianon.
3. Lower Lake Road between Lower Lake and its intersection with State Highway 29.

Applicant also requests that this Commission find that public convenience and necessity require his service as a certificated carrier between the same points for the transportation of property moving in interstate commerce.

Public hearing was held before Examiner Daly on May 8 and 9, 1963, at Lakeport, with the matter being submitted on the latter date.

Appearances in protest to the granting of the application were made by Santa Rosa Delivery Service and Merchants Express of California.

Applicant's main place of business is located in Middletown where he operates a feed and seed store in conjunction with his operations as a certificated and permitted carrier. He owns and operates three units of equipment and as of December 31, 1962, indicated a net worth in the amount of \$13,850.70.

The proposed extended service would be on a daily basis with the proposed rates being generally those established by the Commission as minimum rates and charges in Minimum Rate Tariff No. 2. Within the extended area are many resorts and small business establishments. During the summer months the area is quite populated with vacationists and heavy demands are made upon it. Applicant alleges that he has been serving the extended area as a permitted carrier at the request of his certificated customers.

According to applicant his primary source of revenue is derived through an interchange arrangement with the Southern Pacific Company at Calistoga on shipments originating outside of the Clear Lake area. If the authority herein sought is granted he expects to enter into a similar interchange arrangement with Nielsen Freight Lines. The interchange would be accomplished at the Southern Pacific terminal in Calistoga by placing the trucks back to back.

Eight public witnesses testified on behalf of applicant. They represented business concerns located throughout the Clear Lake area. In substance they testified as follows: they have no complaints with existing carriers; they receive most of their shipments from points in the San Francisco Bay Area; with the exception of small fill-in or emergency-type shipments, they have little or no need for shipments moving between points locally; and few were aware of the fact that Santa Rosa Delivery Service, Merchants Express of California and Antoni Truck Lines presently provide a daily local service. Only two witnesses testified that they occasionally received shipments moving in interstate commerce.

Protestants introduced evidence reflecting their existing service in the proposed area. They both perform a daily service to the points herein considered. Santa Rosa Delivery Service operates out of Santa Rosa. It originates few shipments and derives the bulk of its tonnage and revenue pursuant to an interchange arrangement with Delta Lines. Merchants Express of California serves Lake County from its Vallejo terminal. According to both protestants they have received little or no demand for local or back haul service.

After consideration the Commission finds that:

1. The demand for transportation service in Lake County is at its peak during the summer months.
2. The proposed area is primarily served from distribution points outside of Lake County and there is little need for local transportation service.

3. Protestants are presently providing a daily service in the area and the evidence indicates that to the extent that said services are used they are satisfactory.

4. Public convenience and necessity do not require the applicant's service to the extended area either for shipments moving in intrastate commerce or for shipments moving in interstate commerce.

The Commission concludes therefore that the application should be denied.

O R D E R

IT IS ORDERED that Application No. 44836 is hereby denied.

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

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

William W. Bennett
President

Carl E. Mitchell
Charles D. [unclear]

George J. Grover

Fredrick B. Halshoff
Commissioners