

**ORIGINAL**

Decision No. 66259

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
E. GUY WARREN, doing business as )  
WARREN TRANSPORTATION CO., for an )  
order amending its certificate of )  
public convenience and necessity to )  
operate as a highway common carrier )  
to exclude specified commodities )  
therefrom. )

Application No. 45672

C P I N I O N

Applicant is the holder of a certificate of public convenience and necessity granted to him by Decision No. 45417 and modified by Decisions Nos. 45792, 50499, 53170, 57688 and 57964. This certificate authorizes transportation of general commodities with certain exceptions within San Francisco Territory and between that territory and certain specified areas in the State.

By the instant application, applicant seeks to have an exception inserted in his certificate to read as follows:

"Applicant shall not transport reinforced concrete pipe and pipe fittings originating at Hayward, except when moving in mixed shipments with commodities authorized to be transported under this authority."

The effect of a grant of this request will be that applicant will have the right to transport this commodity under various permitted authorities which he holds.

In support of his request, applicant alleges that reinforced concrete pipe is manufactured in a variety of sizes and lengths. Consequently, the handling, loading and unloading

and sizes and weights of shipments of pipe will differ substantially. Certain shipments are loaded and dispatched and unloaded expeditiously; others, because of the character of the pipe and construction jobs involved are subjected to delays in loading and long standby periods while awaiting cranes to unload or installation crews to receive the pipe. Routing of many of these movements varies because of the size of the pipe transported. The larger pipes have to be moved under special permits issued by the State Division of Highways because they exceed the allowable highway load limits. In such instances, circuitous routing is often required by that agency. For example, pipes which are 12 or more feet wide cannot be transported over the bridges that traverse San Francisco Bay. Applicant has attempted to adjust his common carrier tariff to provide charges which are fair and equitable to shippers and himself, but due to the nature of these movements he has found it impossible to do so. The problems which have arisen have caused applicant to request the exclusion of the involved commodity from his certificate in order that future operations may be conducted under a permitted authority.

Warren further alleges that most of the movements of concrete reinforced pipe are presently being made in private carriage which is supplemented by permitted carriage. Applicant is presently being used by a major reinforced concrete pipe manufacturer (located at Hayward, across the road from applicant's terminal) whenever the manufacturer's own equipment cannot meet its complete transportation requirements. There is substantial competition from permitted carriers for this traffic, and, as such carriers have

greater flexibility in the rates they assess than does applicant, the latter finds it extremely difficult to retain this business.

The Commission finds that:

1. Public convenience and necessity no longer require the applicant to transport pipe, concrete, reinforced and pipe fittings originating at Hayward. ✓

2. A public hearing is not necessary.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that:

1. Decision No. 45417, dated March 6, 1951, in Application No. 30128, as amended by Decisions Nos. 45792, 50499, 53170, 57688 and 57964, is hereby further amended by adding to ordering paragraph 2 of said Decision No. 45417 a subparagraph to be designated as subparagraph (h) and to read as follows:

(h) Applicant shall not transport pipe, concrete, reinforced and pipe fittings originating at Hayward, except when moving in mixed shipments with commodities authorized to be transported under this authority.

2. As amended to date and as herein further amended, said Decision No. 45417 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 5<sup>th</sup> day of NOVEMBER, 1963.

William L. Bennett  
President  
W. J. [unclear]  
W. J. [unclear]  
George A. Grover  
Fredrick B. Holhoff  
Commissioners