

ORIGINAL

Decision No. 68996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of SENNA TRUCKING CO., INC., a
California corporation, for a
certificate of public convenience
and necessity to enlarge the com-
modities authorized to be trans-
ported as a highway common
carrier between the San Francisco
Territory and the Los Angeles
Territory.

Application No. 46993
Filed September 22, 1964

In the Matter of the Application
of MANUEL SENNA, doing business as
SENN TRUCKING CO., for a certif-
icate of public convenience and
necessity to operate as a highway
common carrier between San
Francisco Territory, Los Angeles
Basin Territory, San Diego, Sac-
ramento, Stockton and intermediate
points.

Application No. 36216

Kellogg and George, by Marquam C. George,
for Senna Trucking Co., Inc., applicant.
Graham James and Rolph, by Boris H. Lakusta
and E. Myron Bull, Jr., and Handler,
Baker and Greene, by Raymond A. Greene,
Jr., for protestants.

O P I N I O N

Duly noticed public hearings were held before Examiner
Power at San Francisco on December 21, 1964 and January 7, 1965. On
the latter date the matter was submitted.

Senna Trucking Co., Inc., applicant, is primarily a truck-
load carrier, although its present certificate is not so limited.
Its authority lies territorially between the San Francisco and Los
Angeles Territories. Its authorized commodities include the stove
and boiler group, the pipe (other than clay, concrete or earthen)
group, iron or steel, rubber and scrap metal.

In the instant proceeding it seeks authority to transport aluminum, brass, bronze, copper, paint, etc., machinery, caps, boxes, petroleum products and oils. No territorial enlargement is sought. Applicant presented an operating witness and two public witnesses in support of its request.

The application was protested by one group of carriers¹ and one carrier appearing separately.

It appears that on April 18, 1963 applicant filed Application No. 45354 requesting suspension of its operating rights for one year. This was denied by the Commission on the ground that only operating convenience had been shown. This is not a sufficient showing to support an authorization to withdraw a service once dedicated.

Applicant's vice president testified that it was primarily a truckload carrier and that 80 percent of its hauling was done under permits. He further testified that many dealers who formerly dealt in steel alone now deal in other metals as well. The two public witnesses presented by applicant represented a metals company and a shipper of machinery, respectively.

Representatives of four of the protestants appeared and testified for their several companies.

It is clear that applicant has a problem and that the problem directly affects its service to its customers. On this record only nonferrous metals and machinery could be added to its certificate which would not solve its problem nor benefit some of its leading shippers.

¹ Boulevard Transportation Co., California Cartage Co., California Motor Express, et al., T.I.M.E. Freight, Inc., Delta Lines, Inc., Di Salvo Trucking Co., Merchants Express of California, Oregon-Nevada, etc., et al., Pacific Intermountain Express, Pacific Motor Trucking Co., Shippers Express, Sterling Transit Co., Valley Express Co., et al., and Willig Freight Lines. Doudell Trucking Co. was the separate protestant.

Had the present record been before the Commission in Application No. 45354 the decision in that matter might well have been the opposite of what it was. Applicant's testimony showed that the restrictions on applicant's certificate are injurious to shippers. At the same time the testimony of protestants' witnesses showed that there is a substantial amount of equipment of the type featured by applicant available from other common carriers. Thus, an adequate common carrier structure appears to exist without applicant.

It appears, therefore, that applicant's present certificate should be revoked. This will avoid a solution of applicant's difficulties at the expense of these protestants and other common carriers similarly situated.

In view of the fact that no request for revocation has been included in the instant proceeding, the revocation will be made conditional.

The Commission finds that the transportation needs of the shipping public will not be adversely affected by a revocation of applicant's operating rights as a highway common carrier.

The Commission concludes that such a revocation should be made upon condition as provided by the following order.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a highway common carrier granted to Senna Trucking Co., Inc., by Decision No. 58659 dated June 23, 1959, as amended by Decision No. 59488 dated January 12, 1960, in Application No. 36216 is hereby revoked.

2. C. R. Nickerson, Agent, and National Motor Freight Traffic Association, Inc., Agent, are hereby authorized and directed to cancel the participation of Senna Trucking Co., Inc., from their tariffs on file with this Commission pursuant to the certificate granted and amended by the decisions referred to above. Such cancellations shall be made within ninety days after the effective date of this order and on not less than ten days' notice to the Commission and to the public.

3. The Secretary is directed to cause service of a certified copy of this order to be made upon Senna Trucking Co., Inc., or to mail a certified copy thereof to Senna Trucking Co., Inc., at its last known address as shown in the Commission's records and to mail copies of this order to C. R. Nickerson, Agent, and National Motor Freight Traffic Association, Inc., Agent.

The effective date of this order shall be the thirtieth day after such service upon Senna Trucking Co., Inc., or after the above mailing to Senna Trucking Co., Inc., as the case may be, unless before such effective date there shall have been filed with this Commission a written request for public hearing in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 4th day of MAY, 1965.

Frederick B. Holdreiff
President
Pete J. H. [unclear]
Wogaxar

I concur in the order.
George H. Brewer

Vallemaster [unclear]
Commissioners