

ORIGINAL

Decision No. 69776

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CALLISON TRUCK LINES, INC., a corpo-
ration, for a Certificate of Public
Convenience and Necessity to extend
operations as a highway common carrier
for the transportation of property.)
Application No. 41397

In the Matter of the Application of
MERCHANTS EXPRESS OF CALIFORNIA, a
corporation, for a Certificate of
Public Convenience and Necessity to
extend highway common carrier service.)
Application No. 41587

Bruce R. Geernaert, for Callison Truck Lines, Inc.
and Merchants Express of California, applicants
and petitioners.

E. H. Griffiths and Hugh N. Orr, for Bay Freight
Lines, applicants.

J. Richard Townsend, for Mendenhall Transportation
Co., protestant.

OPINION

Callison Truck Lines, Inc. and Walkup's Merchants Express
(formerly Merchants Express of California) have petitioned the
Commission to reopen the proceedings in Applications Nos. 41397 and
41587 although rehearing of Decision No. 62447 was denied October 17,
1961 by Decision No. 62702. These petitions together with
Applications Nos. 47000, 47001, and 47137 all requested authority to
serve Blue Lake and Korbel and all points within 10 miles of U. S.
Highway 101, between Laytonville and Crescent City.

Upon the petition of Walter E. Mendenhall and Wilbur N.
Mendenhall, Decisions Nos. 59825 and 59834 were modified to exclude
these points from the territory granted to Callison Truck Lines, Inc.
and Merchants Express of California.

At the hearing held before Examiner Rowe in San Francisco on March 18, 1965, it was stipulated as follows:

"IT IS HEREBY STIPULATED by and between the parties to the above entitled proceedings that the record in the above numbered Applications Nos. 41397 and 41587 shall include the following:

1. The 'Petition for Reopening and for Modification of Decision No. 62447' heretofore filed by applicants in Applications Nos. 41397 and 41587.

2. The 'Reply of Mendenhall Transportation Co. to Petition for Reopening and for Modification of Decision No. 62447', which reply was filed with said Commission on October 15, 1964, in said Applications Nos. 41397 and 41587.

3. The record heretofore made in said Applications Nos. 41397 and 41587.

4. Decision No. 68138 of said Commission, dated October 27, 1964, in Application No. 46755 and Cases Nos. 8011 and 8012, and the formal files and record in said proceedings.

5. Decision No. 68662 of said Commission, dated February 25, 1965, in Application No. 47123, and the formal file and record in said proceeding.

6. The statement of counsel for Mendenhall Transportation Co., protestant in each of the above numbered applications, that the passenger service which Mendenhall Transportation Co. is presently performing is as set forth in Appendix A to said Decision No. 68138 in Application No. 46755 and Cases Nos. 8011 and 8012, except that, due to damage resulting from last winter's floods, no such passenger operations are presently being conducted south of Fortuna.

7. The statement of counsel for said Mendenhall Transportation Co. that the increased passenger fares and express rates which Mendenhall Transportation Co. was authorized to establish by said Decision No. 68662 in Application No. 47123 became effective on March 16, 1965.

"IT IS FURTHER STIPULATED by and between said parties that the above numbered Applications Nos. 47000, 47001 and 47137 shall not be heard at this time, but that said Applications shall go off calendar and shall not be set for hearing until after a decision by the Commission on said petition of Callison and Merchants entitled 'Petition for Reopening and for Modification of Decision No. 62447' presently pending in said Applications Nos. 41397 and 41587."

No substantial evidence was introduced at the hearing held in San Francisco on March 18, 1965, before Examiner Rowe, which would justify or support an Order Modifying Decision No. 62447 which authorized Mendenhall Transportation Co. to serve the above-named points.

The Commission therefore concludes that the Petition for Reopening and for Modification filed by Callison Truck Lines, Inc. and Merchants Express of California should be denied. The Commission also concludes that Applications Nos. 47000, 47001 and 41397 should not be heard until requested by applicants not later than April 1, 1966.

The Commission is of the opinion and finds that there is no need for a proposed report in this proceeding and that its use would only result in delay.

The Petition for Proposed Report filed by Callison Truck Lines, Inc. and by Walkup's Merchants Express (formerly Merchants Express of California) is denied.

ORDER

IT IS ORDERED that the Petition for Reopening and for Modification of Decision No. 62447 by Callison Truck Lines, Inc. and by Walkup's Merchant Express (formerly Merchants Express of California) is denied.

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

Dated at San Francisco, California, this 13th day of OCTOBER, 1965.

Frederick B. Hallock
 President

George H. Grover

Augustus

William W. Bennett

 Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.