

ORIGINAL

Decision No. 72576

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOHN GLADWELL and WILBURN M. WALKER,)
Co-Partners, doing business as)
BAKERSFIELD FAST FREIGHT, for)
removal of a certain restriction)
under their present Certificate of)
Convenience and Necessity.)

Application No. 48090
(Filed November 30, 1965)

Donald Murchison and Howard E. Meyers,
for applicants.
Arthur H. Glanz, for California Cartage
Company, California Motor Transport
Co., Delta Lines, Inc., Desert Express,
Di Salvo Trucking Company, Oregon-
Nevada-California Fast Freight, Pacific
Intermountain Express Co., Pacific
Motor Trucking Company, Ringsby-Pacific,
Ltd., Shippers Express Company, Southern
California Freight Lines, Inc., Sterling
Transit Co., Inc., T.I.M.E. Freight,
Inc., Walkup's Merchants Express, Willig
Freight Lines, Protestants.

O P I N I O N

Applicants commenced this proceeding in order to have an
exception removed from their certificate as a highway common carrier.

The exception in question reads as follows:

- "3. All traffic shall have, in addition to the
transportation authorized herein, an
immediately prior or immediately subsequent
movement by highway common carrier
transportation."

Public hearings were held on June 15 and 16, 1966 at
Bakersfield and on November 15, 1966 at Los Angeles before Examiner
Power. At all of these hearings evidence was presented on behalf
of applicants.

Subsequent to the Los Angeles hearing, negotiations were carried out by the parties. As a result of these, applicants agreed to certain modifications of their proposal. They have communicated this willingness to the Commission in writing. Counsel for protestants had advised, also in writing, that if these modifications are acceptable to the Commission, he will withdraw the protests and his clients become interested parties.

The nature of this compromise can be understood by referring to Appendix A. Prior to this application that certificate consisted of the granting clause and restrictions Nos. 1, 2 and 3. Note 1 was conceded by the opening statement of applicants' counsel. Protestant's counsel withdrew his protest when the weight limitations appearing in Notes 2 and 3 were accepted by applicants.

In view of what is, in effect, a stipulation and the fact that there is evidence in the record to support the necessary findings of public convenience and necessity, the agreement of the parties will be accepted.

The Commission finds that:

1. Applicants have the financial resources, facilities, equipment, experience and personnel necessary to perform the service proposed in the application.

2. Public convenience and necessity require that the restriction in applicants' certificate of public convenience and necessity be modified.

3. Notice of this application has not been published in the Federal Register.

The Commission concludes that applicants' certificate of public convenience and necessity should be amended as provided by the following order.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 67653, dated August 4, 1964, in Application No. 45548 is amended by incorporating therein First Revised Pages 1, 2 and 3, attached hereto, in revision of Original Pages 1, 2 and 3.
2. As herein amended, said Decision No. 67653 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 9th day of JUNE 1967.

[Signature]
President

[Signature]

[Signature]
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

HJH

APPENDIX A
(Dec. No. 67653)

JOHN GLADWELL and
WILBURN M. WALKER

First Revised Page 1
Cancels
Original Page 1

John Gladwell and Wilburn M. Walker are authorized to transport general commodities between:

Wheeler Ridge and Fresno and intermediate points, serving the off-route points of Taft, Maricopa and McKittrick and all points within a lateral of 20 miles of both sides of U. S. Highway 99 between Wheeler Ridge and Fresno, but not north or south thereof, subject to the following restrictions:

1. Transportation services shall be rendered in intrastate commerce only.
2. On shipments to and from Kernville and points intermediate between Kernville and Bakersfield applicants shall perform such transportation by interlining such shipments with Kernville Stage Company and Kernville Freight Line, only.
3. All traffic shall have, in addition to the transportation authorized herein, an immediately prior or immediately subsequent movement by highway common carrier transportation.

Subject to Notes 1, 2 and 3:

1. Applies to all shipments having either origin or destination outside of the certificated area above described.
2. Does not apply to shipments of insecticides and fungicides weighing 10,000 pounds or less and having both origin and destination within the certificated area.

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3. Does not apply to shipments of commodities other than insecticides and fungicides weighing 5000 pounds or less and having both origin and destination within the certificated area.

Applicants shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4-B.
2. Automobiles, trucks and buses: viz., new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz., bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, live poultry, mules, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Fresh fruits and vegetables, nuts in the shell and mushrooms.

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10. Explosives as described in and subject to the regulations of Motor Carriers' Explosives and Dangerous Articles Tariff 11, Cal. P.U.C. 6, American Trucking Associations, Inc., Agent, on the issue date thereof.
11. Articles of extraordinary value as set forth in Rule 15 of National Motor Freight Classification A-7, Cal. P.U.C. 1, National Motor Freight Traffic Association, Inc., Agent, on the issue date thereof.
12. House trailers, trailers other than house trailers, portable units designed for human occupancy other than trailers, and parts, contents or supports for such articles when accompanying such equipment.
13. Furniture, as described under the heading "Furniture Group" in National Motor Freight Classification A-7, Cal. P.U.C. 1, National Motor Freight Traffic Association, Inc., Agent, on the issue date thereof, and lamp shades or reflectors and lamp standards or electric lamps and shades combined when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).
14. Garments on hangers.
15. Baled hay, fodder and straw.
16. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.

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