

Decision No. 79157

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
FRANK L. MOORE and JERRE R. MOORE, a
co-partnership, doing business as
MOORE TRUCK LINES, for a certificate
of public convenience and necessity
to extend their present operating
authority to include Auburn and
Redding and intermediate points, and
for a determination of applicants'
operations "between fixed termini
or over a regular route".

Application No. 51182
(Filed June 20, 1969)

Marquam C. George, Attorney at Law, for applicants.
Graham and James, by Boris H. Lakusta and
David J. Marchant, Attorneys at Law, for
Delta Lines, Inc., Pacific Motor Trucking Co.,
Peters Truck Lines, System 99, and All trans
Express-California, Inc., protestants.

O P I N I O N

Frank L. Moore and Jerre R. Moore, hereinafter referred to as applicants or Moore, operate statewide as a radial highway common carrier and a highway contract carrier. All of applicants' prior certificates authorizing operations as a highway common carrier were consolidated in Decision No. 72921 dated August 15, 1967 in Application No. 48799, as amended by Decision No. 74082, dated May 7, 1968, in Application No. 48547, which provides for the transportation of general commodities, with the usual exceptions, between the following points over the following routes:

- "1. Between all points and places within the area bounded by U. S. Highway No. 40 between San Francisco and Sacramento, inclusive, and U. S. Highway No. 50 between the same two cities including all points and places within 15 air-miles laterally of said highways;

- "2. Between all points and places within a radius of 25 air-miles of the City of San Leandro;
- "3. Between all points and places:
- (a) On and within 10 air-miles laterally of U. S. Highway No. 99-E between Yuba City, Marysville and Sacramento, inclusive;
 - (b) On and within 25 air-miles of U. S. Highway No. 99 between Sacramento and Bakersfield, inclusive;
 - (c) On and within 15 air-miles laterally of State Highway No. 120 between the intersection of said highway and U. S. Highway No. 50 and Manteca, inclusive;
 - (d) On and within 5 air-miles laterally of State Highway No. 33 between its intersection with U. S. Highway No. 50 and its intersection with State Highway No. 180, inclusive;
 - (e) On and within 5 air-miles laterally of State Highway No. 180 between its intersection with State Highway No. 33 and Fresno, inclusive.

"Through routes and rates may be established between any and all points described in paragraphs 1 through 3 (e) above.

"For operating convenience, any or all streets, roads and highways connecting the above points, places and routes may be used."

Applicants advise this proceeding was instituted on June 20, 1969 due to necessity. Commission representatives notified applicants on May 17, 1968 that their transportation service during January of 1968, conducted between San Leandro, on the one hand, and Auburn, Chico, and Red Bluff, on the other hand; and between Oakland, Emeryville and San Francisco, on the one hand, and Chico, on the other hand, constituted an unauthorized extension of their certificated highway common carrier authority. Applicants were provided with the following list of shipments, which were identified as the basis of the allegation of unlawful operations.

<u>From</u>	<u>To</u>	<u>Days Served During January, 1968</u>	<u>Total Days Served</u>	<u>Total No. Shipments</u>
San Leandro	Auburn	15, 18, 22, 24, 26, 29, 30, 31	9	14
San Leandro	Chico	10, 17, 23, 25	4	5
San Leandro	Red Bluff	12, 18, 29, 30	4	4
San Leandro	Redding	3, 17, 18, 30, 31	5	9
Oakland	Chico	3, 12, 23, 29, 30	5	5
Emeryville	Chico	9, 10, 11, 23, 25, 29, 30, 31	8	10
San Francisco	Chico	12, 18, 26, 30	4	5

Applicants received a letter dated May 27, 1968, from the Secretary of this Commission, which advised that a certificate must be obtained before the described operation could be continued. The Commission representatives involved were not able to advise whether any part of the questionable operation was lawful, or how it could be made lawful. Applicants took exception to the staff's position and their attorney wrote to the Commission, by letter dated July 11, 1968, requesting an opinion as to the legality of the operations into the Chico-Redding area for January, 1968 (Exhibit 4). The Commission responded by letter, dated July 17, 1968, informing applicants that the Commission issues opinions only in formal proceedings (Exhibit 5). Applicants thereupon filed Application No. 50536, on September 10, 1968, requesting that the Commission determine whether applicants' operations constituted highway common carrier operations between points in the Bay Area, on the one hand, and points such as Chico, Redding, Red Bluff and Auburn, on the other hand. The Commission legal staff filed a Motion to Dismiss on the grounds that the Commission had no power to grant declaratory relief. The Motion to Dismiss was granted by Decision No. 75413, dated March 11, 1969. A Petition for Rehearing filed by applicants was denied by Decision No. 75670, dated May 20, 1969.

As previously stated, applicants then filed this application (No. 51182) on June 23, 1969, to request that their certificate of public convenience and necessity to operate as a highway common carrier of general commodities be extended as follows:

1. Between and including Sacramento and Auburn and all points and places on and within 15 air-miles laterally of Interstate 80.
2. Between and including Yuba City and Redding and all points and places on and within 20 air-miles laterally of State Highway 99 and Interstate Highway 5.
3. Between and including Woodland and Redding and all points and places on and within 20 air-miles laterally of Interstate Highway 5.
4. Between all points and places listed in paragraphs 1 through 3 and between all points and places listed in paragraphs 1 through 3 and those points and places certificated by Decision No. 72921, dated August 15, 1967.

Applicants ask that they be authorized to operate over any and all streets, roads and highways connecting the above points and advise that used household goods, automobiles, trucks, or buses, livestock, commodities requiring temperature control or refrigeration, liquids, compressed gases, or commodities in semi-plastic, or in suspension in liquids in bulk, and commodities carried in bulk in dump trucks, or mixed in transit, will not be transported.

The first public hearing on Application No. 51182 was held on November 24 and 25, 1969. Jerre Moore provided the history of the controversy noted herein and advised that applicants are convinced all of the transportation challenged by the Commission staff is authorized under applicants' radial permit; also that the city limits of Sacramento were recently extended, so the City of Auburn is now within the area applicants are authorized to serve by their 1967 certificate; he advised that Chico, Redding, Red Bluff and Auburn are still being served with the frequency noted in

January, 1968; and that the present application (No. 51182) was filed because applicants have been advised to do so by letters and statements from the Commission staff.

Moore testified that rules and rates from Minimum Rate Tariff No. 2 will be published in applicants' tariff if this application is granted and that overnight service is contemplated, on Monday through Friday, between all points served and to be served by the applicants. Applicants operate 30 motor units (Exhibit 6), 28 single axle semitrailers and 6 dollies (Exhibit 7). Applicants' profit and loss statement for the period from January 1, 1969 through October 31, 1969, (Exhibit 9) shows revenues of \$840,276.72, expenses of \$718,616.85, and a profit of \$121,659.87. Applicants placed in evidence the Commission documents (Exhibits 1, 2) which list the shipments alleged to be unlawful and various correspondence from the Commission and applicants' counsel (Exhibits 3, 4 5). Applicants then rested their case without presenting any shipper witnesses. Protestants made an oral and written motion to dismiss the application. It was based on the opinion of the Commission staff that the operation was unlawful; the testimony that applicants were convinced all transportation performed was authorized under their permitted authority, and the failure to present shipper testimony to prove a public need. Due to the circumstances involved the application was submitted on the Motion to Dismiss.

On March 31, 1970 the Commission issued its Decision No. 77034, in Application No. 51182, said decision being entitled Order Denying Motion to Dismiss and Setting Aside Submission. The decision denied the motion to dismiss and found the record to be insufficient to justify the issuance of additional operating authority to the applicants, and further found that the principal lack was the absence of shipper testimony and additional proof of frequency of operation, which should be presented at another hearing.

The applicants requested further hearings, which were scheduled and held on June 9, 10, 22 and July 23, 1970, in San Francisco; also, on July 29, 1970 in Redding; July 30, 1970 in Chico, and September 30, 1970 in Stockton, before Examiner Fraser. The matter was submitted on the last day of hearing on concurrent opening and closing briefs, which have been received.

Jerre Moore placed Exhibit 11 in evidence, which provides the origin, destination, weight, description and shipper on all hauls into the disputed area from May 20 through May 28, 1970. He testified that applicants have terminals in Stockton and Fresno; if their authority is extended they propose to open a facility in Yuba City, which will consist of a parking lot with fuel pumps and an office; they will have no other terminals in northern California; shipments from the Bay Area will be consolidated at the Stockton terminal and placed in a trailer, which will be hauled to the Yuba City yard by a tractor which should be able to return with a trailer loaded with shipments destined for the Bay Area; the northbound trailer at Yuba City will then be hitched to a Yuba City tractor and hauled to deliver the shipments it contains; applicants will not be operating a conventional terminal, where large line-haul trailers are unloaded and the shipments transferred to smaller trucks for local pickup; this system is more efficient than the conventional operation, where the shipment is picked up by a local pickup-and-delivery van, transported to a terminal where it is unloaded, then loaded on a large trailer and hauled to a second terminal where it is unloaded and transferred to another delivery van which transports it to the consignee; when all shipments pass through two terminals goods are frequently two or more days in transit; applicants' shipments will be unloaded only once in transit and should be delivered to the consignee during the morning of the day after they are received; applicants are now serving the Bakersfield area from their Fresno terminal under the same system

they propose to use in Yuba City; applicants do not anticipate a need to open a terminal near Redding in the near future, although the area will probably be served by a separate route out of the Yuba City facility.

Nine shippers from the Bay Area testified for the applicants. A tire distributor from San Leandro testified that his company ships tires and other rubber products into the area applicants seek to serve on a daily basis; the shipments weigh up to 10,000 pounds and are shipped loose - not in cartons or boxes. Moore has been used for some time to all areas they serve, due to outstanding service and no claims of damage from consignees. A representative of a sheet metal company from Oakland ships metal and plumbing supplies with Moore in shipments up to 20,000 pounds; he likes the way Moore master bills shipments and they always have flatbed equipment available which he requires; he has used Moore service for more than nine years and it would be an advantage to him to have Moore's territory extended. A shipper of automotive finishes and industrial adhesives testified that he has used applicants' service for 13 years; shipments range from 500 to 10,000 pounds and are hauled to the valley between Sacramento and Bakersfield from five to eight times a week; the Moore's provide the best pickup service and a morning delivery which is appreciated by his customers. A dealer in wholesale sporting goods from Burlingame testified that his company ships a complete line of fishing, hunting and sports equipment, with individual shipments totaling up to 20,000 pounds; Moore service has been used to supply the Sacramento to Bakersfield area for some time; Moore service has been prompt and efficient, which is very important, because many guns are shipped and if there is any loss or damage it causes a great deal of inconvenience; the service of other carriers was found to be inadequate due to complaints from consignees on lost deliveries and late shipments. A witness who ships auto products - mostly exhaust systems - testified that he has used Moore service

for six years to Yuba City and Redding on shipments weighing from 300 to 2,400 pounds; the service is always overnight as promised and there have been no damage claims, even with tail pipes being shipped in loose bundles. He will use Moore in any area they are authorized to serve. The traffic manager of a paint company testified that his company has used applicants' service for 23 years; most recently from Marysville to Redding, on shipments averaging from 250 to 1,000 pounds in weight; the Moore's provide master billing and late pickups, if requested. He favors applicants' company due to these extra services. A witness from a manufacturer in Union City testified he ships aluminum windows, sidings and sliding glass doors about five times a week, in shipments ranging from 100 to 30,000 pounds; he has used Moore Truck Lines for at least five years from Bakersfield to Marysville; applicants' service is fast and very reliable; his glass doors and windows are fragile and easily broken or bent; applicants deliver undamaged merchandise when promised; he has used Moore service into the area Moore is requesting to serve herein. The representative of an Oakland paint manufacturer testified that his company ships paints, brushes, rollers, ladders and related paint products; the shipments range in weight from 300 to 500 pounds and are frequent because most dealers keep a small inventory on hand; his company has used Moore service for at least 12 to 15 years; their pickup service has been best when compared with other carriers and he will use their extended service if this application is granted. A San Francisco shipper of tubular and cold finished steel testified that he has used Moore Truck Lines for 10 or 15 years, on shipments from 100 to 20,000 pounds, to points between Marysville and Redding; Moore has not damaged any shipments and has provided prompt overnight service. He will use Moore service through the newly certificated area if this application is granted. The shippers who testified

praised the prompt pickup and delivery furnished by the applicants, their overnight service, the special handling of easily damaged merchandise, and the extra service provided individual shippers on request.

The five protestants presented testimony and documentary evidence that they have a total of 55 terminals and hundreds of trucks, tractors, vans and flatbeds available to provide transportation of general commodities into or out of the area applicants seek to serve. It was emphasized that all of their terminals and equipment are operating well under the capacity they were designed to accommodate and that certificating another carrier will place an additional trucker in an area which already has too many competitors for the available business. The witnesses testified that if the number of property haulers authorized to operate in an area is allowed to reach the saturation point no one has sufficient business and the survivors must seek frequent rate increases to counteract their dwindling income and business. It was noted that a small carrier operating in a limited area is frequently more competition than a large carrier operating over one or more states. Protestants argued that applicants do not haul with sufficient frequency to qualify for a certificate and that all of the shippers who testified for the applicants can be served under the latter's permitted authority. The witnesses for all five protestants testified that the Moore's could not serve the area proposed with a single terminal in Stockton and an agency in Yuba City. All of the witnesses advised that a terminal would be required in northern California with a local pickup and delivery service, unless applicants restricted their service to a few shippers. The distances involved require all carriers to establish and maintain a separate daily route - for pickup and delivery - into each area served. Otherwise it is impossible to visit all shippers and consignees on a daily basis.

Protestants provided the testimony of 22 shippers from the Bay Area, Redding, and Chico to the effect that the present service is adequate and there is no need for another carrier. Five of the Redding shippers testified that the area is depressed; that there are too many unemployed and business has shown a downward trend in 1970.

Issues and Discussion

Protestants raised the following issues:

1. The unusual history of the application.

This application was instituted by the action of the Commission staff. No permitted carrier can disregard a staff notice that its operation in a specific area is becoming too frequent for its operating authority. After receiving such a notice the carrier has three options. It may decide to do nothing and risk formal Commission action which could result in a fine or other punishment; it can discontinue the transportation and risk financial loss and discontented shippers; or it may file an application with this Commission for authority to serve the area in question as a certificated highway common carrier. The logical solution is obvious and was adopted by applicants herein. The allegation of possible unlawful activity does not prejudice this application, since applicants have continuously been in the process of trying to get a determination from the Commission whether their operation is unlawful.

2. Moore does not deliver with sufficient frequency to qualify for a certificate.

Protestants argued that applicants' evidence on frequency is limited to the number of shipments picked up and that many of these shipments are consolidated and delivered as a single load. Protestants further argued that applicants' Exhibit 11 which shows frequency of operation in the area from May 20 through 28, 1970, covers a period when many of the large carriers in the Bay Area

were immobilized due to a strike. Applicants conceded the strike and the consolidation of some shipments. Applicants argue that their shippers are demanding increased service and the Commission staff has warned that the frequency of shipments may constitute unlawful operation. We find that it is unreasonable to expect applicants to determine the precise instant that a permitted operation should be certificated.

3. Moore has never performed transportation between many points covered by the application.

Protestants developed, on cross-examination, that applicants do not haul regularly out of the area they seek to serve to the Bay Area and do not haul from Auburn or Chico to points south of Sacramento on Highway 99. No certified carrier has shipments from all points it serves to all, or most, other points. To require a small carrier to have continuous shipments in both directions between all points served would be unreasonable. Also the Moore's are not yet certificated to serve the northern California area. It is therefore not surprising that they have very few shipments moving south.

4. There is no need for an additional certificated carrier in the Redding-Chico area.

Protestants called 20 shippers from Redding and Chico, who testified they do not need an additional carrier in the area. Several advised they have limited dock space and prefer protestants because of the wide area they serve.

This evidence does not affect the testimony of the applicants' witnesses. The latter may select the trucker they favor. The availability of other qualified carriers does not nullify this choice.

5. Protestants are providing a comprehensive service between points covered in the application.

All five protestants have a terminal in Redding and four have Chico terminals. Protestants noted that competition is brisk, with a total of at least 11 large certificated carriers providing service throughout the area.

Applicants' shippers are Bay Area residents who seek an expanded service to northern California. They all favor Moore service and most have shipped by the applicants for many years. They would not use other carriers even if this application was denied. Conversely, their testimony shows a need for Moore to expand a service which some of their shippers have used for 20 years.

6. The diversion of existing traffic will have an adverse impact on the shipping public.

Protestants argue that each additional trucker allowed to operate in an area further dilutes the available business by providing another one to compete against all the others. They further argue that at various intervals all of the truckers have to petition for a raise in transportation rates to bolster their declining revenues, due to too much competition. This argument has some merit but it must be weighed against the fact that a small carrier expanding to a new area frequently brings his own shippers along and does not compete with a large carrier by taking over the latter's accounts. Some of the consignees served by applicants' shippers have expressed a preference for the service provided by one of the protestants. This does not effect the need of the shippers. It was further argued that protestant's trucks return to the Bay Area almost empty on many occasions and that carriers must support their operation in northern California by incoming shipments from other areas. No studies were made of the possible business absorbed by permitted operators; or of the shippers who

use their own trucks to transport shipments. The possibility that a new carrier operating in an area may in time take some of the business from prior operators is not sufficient reason to arbitrarily limit the number of operators in a particular area.

7. Can the Moore's serve northern California efficiently without a conventional terminal?

Protestants emphasized that it is impossible to provide a general commodity transportation service in northern California without at least one terminal, unless only a few shippers will be served. It was noted that the distance between towns requires specified pickup and delivery routes with the vehicles involved being dispatched out of a terminal. Applicants have indicated they will provide a terminal if their business expands sufficiently to require one. Applicants have the right to defer the construction of a terminal until it is needed. A large carrier may have many facilities which a new carrier cannot be expected to duplicate prior to starting service.

Findings

1. Applicants herein have provided a general commodity transportation service as a permitted and certificated carrier for more than twenty years.

2. Prior to this application, the Moore's provided a certificated service from San Francisco to Sacramento and down Highway 99 to Fresno and Bakersfield.

3. Applicants were warned by the Commission staff in 1968 that they were transporting shipments to Auburn, Chico, Red Bluff and Redding with such frequency that it might indicate an unlawful operation, requiring a certificate.

4. The Commission dismissed an application which requested that the Commission determine whether the described operation was unlawful.

5. This application was then filed to request that the Moore's certificate be extended to northern California.

6. Applicants will provide an overnight service on Monday through Friday and will adopt and publish the applicable rates as set forth in Minimum Rate Tariff No. 2.

7. Many of applicants' customers have employed Moore Truck Lines for many years and would like to see their service expanded.

8. The nine shippers who testified for the applicants prefer the service provided by the Moore's to that of other carriers.

9. A shipper is entitled to prefer the service of a particular carrier over that provided by all the others who are available and the favored carrier is entitled to rely on this preference as a basis for extending its service.

10. The possibility that a new carrier operating in an area may in time take some of the business from prior operators is not sufficient reason to arbitrarily limit the number of operators in a particular area.

11. The decision as to when a terminal may be required is best left to a carrier's management. It should not be assumed by this Commission.

12. Protestants are large carriers who serve adequately but are not able to cater to the personal requirements of each shipper as conveniently as the applicants.

13. Applicants' expanded service will be used primarily by shippers who have used Moore service in other areas.

14. Protestants will not be immediately affected by applicants' expansion which is designed primarily to serve Moore's old customers in a new area.

15. Granting this application will not harm the shipping public.

16. Applicants' authority should be consolidated and restated in a new certificate.

17. Applicants possess the experience, equipment, personnel and financial resources to institute and maintain the proposed service.

18. Public convenience and necessity require that the application be granted as set forth in the ensuing order and that an in-lieu certificate be issued which authorizes Frank L. Moore and Jerre R. Moore, a partnership, doing business as Moore Truck Lines, to engage in intrastate commerce as specified in the order which follows.

Conclusion

The Commission concludes that the application should be granted as set forth in the ensuing order.

Frank L. Moore and Jerre R. Moore are hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Frank L. Moore and Jerre R. Moore, a co-partnership, doing business as Moore Truck Lines, authorizing them to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

2. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede all existing certificates of public convenience and necessity authorizing the transportation

of general commodities heretofore granted to or acquired by Frank L. Moore and Jerre R. Moore and presently possessed by them, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

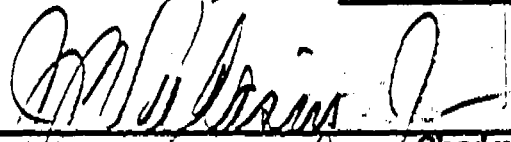
3. In providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted, they will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-F.
- (b) Within one hundred twenty days after the effective date hereof, applicants shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

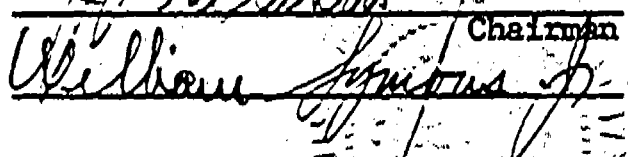
- (e) Applicants shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.
- (f) Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants elect not to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

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

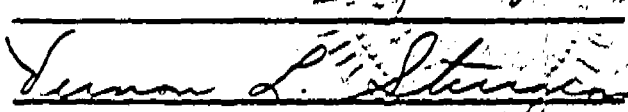
Dated at San Francisco, California, this 21st day of SEPTEMBER, 1971.




Chairman



William J. Lyons



Vernon L. Sturgeon



Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Frank L. Moore and Jerre R. Moore, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to conduct operations as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

1. Between all points and places within the area bounded by U. S. Highway No. 40 between San Francisco and Sacramento, inclusive, and U. S. Highway No. 50 between the same two cities including all points and places within 15 air miles laterally of said highways;
2. Between all points and places within a radius of 25 air miles of the City of San Leandro;
3. Between all points and places:
 - (a) On and within 10 air miles laterally of U. S. Highway No. 99-E between Yuba City, Marysville and Sacramento, inclusive;
 - (b) On and within 25 air miles of U. S. Highway No. 99 between Sacramento and Bakersfield, inclusive;
 - (c) On and within 15 air miles laterally of State Highway No. 120 between the intersection of said highway and U. S. Highway No. 50 and Manteca, inclusive;
 - (d) On and within 5 air miles laterally of State Highway No. 33 between its intersection with U. S. Highway No. 50 and its intersection with State Highway No. 180, inclusive;
 - (e) On and within 5 air miles laterally of State Highway No. 180 between its intersection with State Highway No. 33 and Fresno, inclusive.
4. Between and including Sacramento and Auburn and all points and places on and within 15 air miles laterally of Interstate 80.

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5. Between and including Yuba City and Redding and all points and places on and within 20 air miles laterally of State Highway 99 and Interstate Highway 5.
6. Between and including Woodland and Redding and all points and places on and within 20 air miles laterally of Interstate Highway 5.
7. Between all points and places listed in Paragraphs 4, 5 and 6, and between all points and places listed in Paragraphs 4, 5 and 6, on the one hand, and those points and places listed in Paragraphs 1, 2 and 3 on the other hand.

Through routes and rates may be established between any and all points described in paragraphs 1 through 6 above.

For operating convenience, Frank L. Moore and Jerre R. Moore may use any or all streets, roads and highways connecting the above points, places and routes.

Frank L. Moore and Jerre R. Moore 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.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers.

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4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
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. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

(END OF APPENDIX A)