

Decision No. 81468**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAMJO, INC., doing business as
 SMISER FREIGHT SERVICE, a California
 corporation, for an extension of its
 Certificate of Public Convenience
 and Necessity to operate as a highway
 common carrier for the transportation
 of property in intrastate and inter-
 state and foreign commerce.

Application No. 53048
 (Filed December 8, 1971;
 amended May 23, 1972)

Donald Murchison, Attorney at Law, for
 applicant.
Marshall G. Berol, Attorney at Law, for
 Delta Lines, Inc., Pacific Motor
 Trucking Co., System 99, Ted Peters
 Trucking Company, Inc., and Peters
 Truck Lines, protestants.

O P I N I O N

By its application, as amended, Samjo, Inc., doing business as Smiser Freight Service, presently rendering service as a highway common carrier, requests authority to extend service in intrastate, interstate, and foreign commerce. Copies of the application were served upon carriers with which the proposed extended service might compete and an appropriate notice was published in the Federal Register. The application was protested by Delta Lines, Inc., Pacific Motor Trucking Co., System 99, and Ted Peters Trucking Company.

Public hearings were held before Examiner Daly in Los Angeles, San Francisco, and Sacramento, with the matter being submitted upon concurrent briefs.^{1/}

Applicant is presently certificated to transport general commodities, with certain exceptions, moving in both intrastate

^{1/} Although the matter was submitted on concurrent briefs, protestants did not file a brief. Applicant's brief was filed on April 2, 1973.

and interstate or foreign commerce. It is authorized to provide local service between points from Fresno, on the north, to San Diego, on the south, including points within the Los Angeles Basin Territory and the San Diego Territory. It is also authorized to serve between said points, on the one hand, and, on the other hand, all points on U. S. Highway 99 north of Fresno to and including Sacramento and points on U. S. Highway 101 from Salinas north to and including points within the San Francisco Territory. In addition to lateral authority of 10 miles applicant is also authorized to serve Monterey, Santa Cruz, and Watsonville; and Taft, Shafter, Wasco, Corcoran, Hanford, Lemoore, U. S. Naval Air Station at Lemoore, and Dinuba are served as off-route points. Applicant has no authority to provide a local service between points north of Monterey, Salinas, and Fresno.

By its application, as amended, applicant requests authority to provide local service between points north of Monterey, Salinas, and Fresno, including points within the San Francisco Territory, and points on Interstate 5 and State Highway 99 (formerly U. S. Highway 99) to and including Yuba City as well as all intermediate points on the major highways between the San Francisco Territory and State Highway 99. In addition applicant requests authority to provide a 10-mile lateral service.

Applicant has been engaged in the transportation of commodities as a for-hire carrier for twenty years. It owns and operates 59 units of equipment and leases 168 units of equipment from Smiser Leasing Corporation, an affiliate. Applicant maintains terminals in Los Angeles, Fresno, Bakersfield, Sacramento, Oakland, and San Jose. As of March 31, 1972 applicant indicated a net worth in the amount of \$308,308 and for the first quarter of 1972 showed a net profit of \$55,181.

According to applicant's president applicant's customers have made ever-increasing demands for service and applicant either has to grow to meet the expanding needs and requirements of its customers or fall by the wayside; that unless applicant is authorized

to extend service it will not be able to effectively compete with other carriers; that many of its customers have split-delivery shipments and unless applicant can provide this service to the extended area such customers will divert their traffic to other carriers; and that there is an increasing need for intrastate service because many of the large interstate carriers have recently discontinued their intrastate operations.

Applicant introduced the testimony of public witnesses in Los Angeles, San Francisco, and Sacramento. A summarization of the public testimony follows:

Los Angeles Witnesses

1. John H. Barrios - Santa Fe Springs.
Traffic Manager - Dura Steel Products Company.
Has daily shipments averaging 600 pounds to such points as Pittsburg, Martinez, Fairfield, Vacaville, Woodland, Marysville, Benicia, and Yuba City. Has used applicant for the past three months. The service is overnight and good. Presently using Golden West to Fairfield and Wilson Transportation to Woodland. Uses PMT upon customer's request. PMT provides a satisfactory service, and is comparable to applicant.
2. James Robert Hood - Santa Fe Springs.
Warehouse Superintendent - Cotter & Company.
Makes shipments of hardware to Marysville, Yuba City, Roseville, Woodland, Fairfield, Walnut Grove, Modesto, Manteca, Stockton, Salinas, Gilroy, and Morgan Hill. Has interstate shipments to points north of Sacramento, and presently negotiating for the distribution of interstate pool car shipments out of the San Francisco Bay Area. Has received complaints with respect to delays in transit, and damage on shipments handled by PMT and Delta. Applicant has been used on several occasions within the past four months. The service was good. Is interested in using applicant in split-delivery shipments moving to points north and south of Sacramento.
3. James Montgomery - Pico Rivera.
Traffic Manager - National Sponge Cushion.
Is interested in split-delivery shipments moving to Martinez, Pittsburg, Fairfield, Walnut Creek, and Concord. Is presently using applicant to the

San Francisco Bay Area and Sacramento, and would like to use the service of applicant on split-delivery shipments to points in between. Has used the services of PMT, Crescent, and Associated at customer's request.

4. John Andrew Fisher - Culver City.
Traffic Manager - Trewax Company.
Has used the service of applicant for the past six months on shipments of floor wax and cleaning compounds to such points as Wheatland, Marysville, Yuba City, Colusa, Vacaville, Fairfield, Walnut Creek, Pleasanton, Antioch, Pittsburg, and Martinez. Shipments are made daily to one or more points, and range from 250 to 700 pounds. Has used PMT and Delta. The service of Delta is comparable to applicant's. The service of PMT is a little slower.
5. Edwin J. Schaina - Vernon.
Plant Manager - Daubert Chemical Company.
Makes shipments of undercoating and paper products to General Motors Chevrolet dealers in Vallejo, Fairfield, Vacaville, Woodland, Yuba City, Marysville, Lincoln, Roseville, Elk Grove, Galt, and Lodi. The shipments range from 1,500 to 2,000 pounds. Has used the service of applicant for the past six months, and finds it to be very good. Has used PMT, Delta, and CME. Delta did not always pick up the same day that the call was placed.
6. Theodore A. Wieland - Culver City.
Office Manager - Cable TV Supply and Aberdeen Company.
Ships material for cable television construction to job sites. A single job may be under construction for a year. Presently shipping to job sites in Fairfield and Vallejo. Shipments range from 100 to 10,000 pounds. Is commencing a job in Martinez. Has used applicant and service is excellent. Has also used the service of Alltrans.

7. James Marshall Winn - Culver City.
Shipping Foreman - R. A. White & E-Z Products.
Ships threaded pipe and nipples to Vallejo, Fairfield, and Concord. Ships twice a week. Averages 3,000 pounds per shipment. Has used applicant for past nine months. Has used the service of Delta, and had damages.
8. Edward Wiener - Torrance.
A.B.C. Candle Corporation.
Ships to Colusa, Yuba City, Wheatland, Walnut Grove, Fairfield, Vallejo, Concord, Martinez, Pittsburg, and Benicia. Range from 500 to 5,000 pounds. Has used applicant for the past year. The service is prompt and dependable. Has used Delta, CME, and PMT. Prefers applicant's service because he can call as late as 2:30 p.m. and get a pickup, but this is not always the case with the other carriers.
9. John Joseph Prateris - Inglewood.
Assistant Manager - Diener Inc.
Has used applicant for the past year on daily shipments of hair accessories to Vallejo, Marysville, Roseville, Walnut Grove, Vacaville, and Wheatland. Shipments range from 500 to 1,000 pounds. Applicant's service is excellent. Also uses PMT to the same points. Discontinued using Willig because of a difficulty with pickups.
10. James M. Schneider - Lynwood.
Traffic Manager - Metalcraft Products.
Has plants at Azusa and Lynwood. Ships metal furniture ranging from 3,000 to 30,000 pounds to Woodland, Vacaville, Fairfield, Vallejo, Pittsburg, Antioch, Walnut Grove, and Roseville. Requires a pickup by 1:00 p.m. and an overnight service. Has used applicant for the past year and the service is very good because applicant will pick up at the time specified and will provide a second pickup if requested. Has used System 99 from Azusa. Would like to use applicant on split-delivery shipments. Previously used PMT, but the service was unreliable because of missed pickups.

11. Henry Clarence Whitaker - Los Angeles.
Traffic Supervisor - Blue Chip Stamp Co.
Has a distribution center in Richmond from where shipments are made throughout the San Francisco Territory, south to Salinas and Fresno, north to Sacramento, Marysville, and Yuba City. Has been using the services of applicant and System 99 out of Richmond. Has no complaints with the service of System 99.
12. Orland Nuzum - Bakersfield.
President - O. B. Nuzum Tire Service, Inc.
Has shipments of tires ranging from 1,200 to 5,000 pounds, three times a month to such points as Marysville, Yuba City, Walnut Creek, Fairfield, and Vallejo. Because of emergency situations, requires an overnight service. Has used applicant for the past 18 years, and the service is excellent. Has also used the services of Sterling, CME, and Ringsby, but they were not satisfactory. Requires a Saturday service, which he can get from applicant, but not from the other carriers.
13. Alex Deifel - Bakersfield.
President - Deifel's Westchester House of Color.
Has shipments of automotive equipment, paint, and wallpaper to Rio Vista, Yuba City, Marysville, Elk Grove, and Walnut Creek. Range from 1,000 to 5,000 pounds. Has used applicant for the past 18 years, and the service is very good. Requires an overnight service. Has also used the services of Ringsby, Delta, and PMT. Was dissatisfied with their services because there were too many shorts with Ringsby and PMT. Delta failed to provide a dependable pickup service.

San Francisco Witnesses

1. Jarvin Buffington - Newark.
General Sales Manager - National Steel Construction Company.
Has shipments of gas and electric water heaters to points within the San Francisco Territory, and also to Yuba City, Redding, Roseville, Sacramento, Modesto, Stockton, Turlock, and Merced. Ships daily to the Bay Area points, and twice a week to the Delta area. Shipments range from 5,000 to 10,000 pounds. Requires an overnight service. Has used applicant for six years and the service is excellent. Has interstate shipments of steel from the Port of San Francisco to Newark,

but has never used applicant. Has split-delivery shipments to Southern California, with drops throughout the San Joaquin Valley.

2. Bill M. Fisler - San Jose.
Shipping Clerk - St. Regis Flexible Packaging Division.

Has shipments of waxed paper and plastic bags to Richmond, Berkeley, Oakland, San Leandro, Hayward, Burlingame, San Francisco, and South San Francisco. These shipments are daily and range from 5,000 to 10,000 pounds. Also has shipments to Sacramento, Lodi, Stockton, Modesto, Turlock, and Tracy.

Has split-delivery shipments to the Los Angeles area with drops along State Highway 99 south of Fresno. Has interstate shipments to the Port of San Francisco. Presently using the services of Ruddway Drayage, Mission City Transfer, Pozas Bros., and Willig. Is only using applicant on shipments to Lodi.

3. Richard A. McDonald - Hayward.

Traffic Manager - Stange Company.

Has daily shipments of food seasoning averaging 750 pounds to Bay Area points such as Richmond, Berkeley, Oakland, San Leandro, Hayward, San Jose, Santa Clara, Sunnyvale, Redwood City, San Mateo, and San Francisco. Also has daily shipments averaging 1,000 pounds to such points as Woodland, Sacramento, Vallejo, Stockton, Manteca, Antioch, Tracy, Ripon, Modesto, Merced, Madera, and Fresno. In addition receives shipments from Tracy, Salinas, and San Francisco. Also has split-delivery shipments to San Diego with drops along State Highway 99 south of Fresno. Has used applicant on shipments to Southern California; the service is overnight and very good with no loss. Uses Beckman on the Bay Area shipments and De Boers on the shipments to the Sacramento area. Has interstate shipments to the Port of San Francisco and uses Beckman. Applicant provides the best pickup service; will pick up as late as 7:30 p.m. If the application were granted would use applicant's service to the proposed points.

4. John H. Beneze - Richmond.
Production Manager - Gibson - Homans.
 Has shipments of putty, compounds and water-proofing materials to Berkeley, Oakland, San Leandro, Hayward, Milpitas, San Jose, Daly City, Burlingame, San Mateo, Redwood City, Menlo Park, Palo Alto, Mountain View, Sunnyvale, and Santa Clara. These shipments move daily and average 800 pounds. Presently using the services of Haslett and Beckman to the San Francisco Bay Area points. Also has shipments to Yuba City, Lodi, Stockton, Modesto, Turlock, Merced, and Fresno. Uses applicant on these shipments. Likes the service of applicant because applicant will pickup as late as 9:00 p.m., and so will Beckman. Has interstate traffic moving to the Bay Area points and uses Haslett on these shipments.
5. George Pittner - Oakland.
Shipping Supervisor - De Laval Turbines.
 Has shipments of iron and steel castings averaging 5,000 pounds to such Bay Area points as Richmond, Albany, Berkeley, Emeryville, San Leandro, Hayward, Newark, Milpitas, San Jose, Sunnyvale, Mountain View, Palo Alto, Redwood City, San Mateo, San Bruno, and San Francisco. Presently using the services of M & L, J & J, Alta, and Delta on these shipments. Does not use the service of applicant to the proposed areas.
6. Elmer Vollmer - Vallejo.
Owner of Bob's Plastic Tile Company.
 Has weekly truckload shipments from the Los Angeles Area and uses applicant. Presently using his own trucks to distribute to such points as Dixon, Woodland, Marysville, Vacaville, Winters, Fairfield, Richmond, and Berkeley. Has had occasion to use the services of Delta and CME, but was not satisfied. Would like to use applicant's service directly from Los Angeles to these northern points without having to distribute from Vallejo.
7. Robert L. Manship - Oakland.
Traffic Manager - Meat Packers Equipment Company.
 Has shipments of machinery parts ranging from less than 100 pounds to 6,000 pounds to such points as San Jose, Santa Cruz, Watsonville, Salinas, Sacramento, Vacaville, Marysville, Stockton, and Pittsburg. Ships two or three times a week. Requires a pickup by 4:30 p.m.

and an overnight service. Has approximately one interstate shipment a month. Is presently using UPS on shipments under 50 pounds and Di Salvo on the larger shipments. The service of Di Salvo is satisfactory.

8. Victor O. Commons - Oakland.
Manager - Ferrous Metals, Incorporated.
 Has approximately two shipments a month of building materials to such points as San Jose and San Francisco that range from 2,000 pounds to truckload. Has approximately two shipments a month to Sacramento and two shipments a year to Stockton. The customer designates the carrier.
9. Irving S. Ketels - Emeryville.
Office man - Oliphant Commercial Corporation.
 Excused by applicant's attorney when it was determined that neither the witness nor his company designated the carrier that was used.
10. Corley B. Clark - Hayward.
Traffic Manager - Concise Casting Corporation.
 Aluminum and brass foundry. Has shipments ranging from 200 to 3,000 pounds moving once a month to Stockton and once every two months to Lodi. Is presently using Delta, Airport Drayage, and CME. Does not now use applicant to these points.
11. Omar C. Davis - Richmond.
President - Golden State Tire Service.
 For the past year has been using his own truck on shipments to Sacramento, Marysville, Tracy, and Stockton. Requires a Saturday service which existing carriers will not provide. Presently using applicant on shipments from Los Angeles to Richmond. Would use applicant to northern area points if certificated.

Sacramento Witnesses

1. John F. Bowmer - Sacramento.
President - J. B. Specialty Sales Company.
 Has daily shipments of toys and general merchandise ranging from 200 to 2,000 pounds to such points as Roseville, Lincoln, Wheatland, Yuba City, Marysville, Arbuckle, Woodland, Davis, Winters, Vacaville, Dixon, Fairfield, Vallejo, Oakland, Hayward, San Jose, Santa Cruz, San Francisco, Monterey, San Mateo, Palo Alto, Burlingame, Elk Grove, Lodi, Galt, Manteca, Modesto, Ripon, Ceres, Atwater, Merced, and Los Angeles. Requires an overnight service

with a pickup around 5:00 p.m. Also requires a Saturday service. Presently using Delta, CME, System 99, Peters Truck Line, PMT, and applicant. Has been using applicant for past year to San Jose. Applicant provides a prompt pickup and overnight service. Other carriers are not as dependable in picking up or providing an overnight service.

2. James Allen Cox - Sacramento.
Office Manager - Martin Sprocket and Gear Corporation. Has daily shipments ranging from 200 to 2,000 pounds to Marysville, Yuba City, Colusa, Woodland, Antioch, Stockton, Lodi, Oakland, San Leandro, Hayward, Alameda, San Francisco, San Mateo, San Jose, Stockton, Modesto, Merced, and Ripon. Requires a pickup about 5:00 p.m. and an overnight service. Also requires a Saturday service. Every two weeks has an interstate shipment to the Port of San Francisco. Presently using System 99, Delta, and Moore Truck Line. Has been using applicant since the 1970 teamsters' strike to Los Angeles, San Jose, and Hayward. Has no complaints with the existing carriers, but would prefer to use applicant because it is a non-union carrier and can be depended upon to give service even during a labor strike.
3. Sharron Archuleta - Sacramento.
Secretary - General Radiator, Incorporated. Has shipments ranging from 1,000 to 5,000 pounds twice a month to Pittsburg, Roseville, Antioch, and Stockton, and approximately six times a month to such Bay Area points as San Francisco, Oakland, Hayward, San Leandro, and San Jose. Requires a pickup by 1:30 p.m. and occasionally requires a Saturday service. Presently using United Truck Lines and Delta to the proposed points. Delta took six days to deliver a shipment from Hayward (Delta's records indicate only two shipments for the company of this witness from Hayward during the time specified and both were overnight). Has been using applicant for the past two years to Los Angeles. If certificated would consider using applicant to proposed area.

4. Judith Connor - Elk Grove.
Secretary - Tom's Hydraulic Supply.
Approximately once a month has a shipment ranging from 200 to 5,000 pounds to one of the following points: Yuba City, Colusa, Woodland, Berkeley, San Jose, or Hollister. Receives approximately four shipments a month from the Bay Area. Requires a pickup about 3:30 p.m., and also requires an overnight service. Has been using applicant for the past two years to San Jose and Yuba City. Also uses applicant on shipments from the Bay Area. In addition to applicant, also uses Delta, System 99, and Moore Truck Line. Had trouble with Delta because it came in too late for the pickup. System 99 only serves Elk Grove three times a week. The service of Moore from the Bay Area is very satisfactory.
5. Herchell Pyles - Sacramento.
Vice President - Metalloy Steel Foundry.
Has daily shipments of steel castings averaging 3,000 pounds to San Francisco, Oakland, Berkeley, Burlingame, Menlo Park, San Jose, and Fremont. Receives shipments from Emeryville about twice a month. Require a 2:30 p.m. pickup and an overnight service. Presently using applicant to the Bay Area. Previously used the services of Delta, CME, Alltrans, and Pozas Bros. to the Bay Area. No complaints with the services of these carriers. Had difficulty with Delta on one shipment from Emeryville. Now uses Pozas Bros. or own equipment from Emeryville.

All of the Los Angeles witnesses are presently using the services of applicant as a permitted carrier to the proposed Sacramento area and the proposed area between Sacramento and the San Francisco Territory. Five of them are also using the services of other carriers to the proposed area and they expressed satisfaction with the combined services. Six of the Los Angeles witnesses testified that they had discontinued use of one or more of the existing carriers because of dissatisfaction resulting from various causes including missed pickups, damages, shortages, and failure to provide a Saturday service. All of the Los Angeles witnesses were in agreement that applicant provides a dependable pickup service with next-day delivery. The proposed service to

the extended northern points would be an accommodation to those shippers who wish to limit their use of carriers because of limited dock space. Of particular importance to several of the Los Angeles witnesses was the desire to use applicant for economic reasons on split-delivery shipments moving to points within applicant's presently certificated area and to points within the proposed area.

Of the 11 San Francisco witnesses only 3 are presently using applicant to proposed points and that use is on a limited basis. Two of the San Francisco witnesses testified that their companies did not designate the carrier. Except for one witness who testified that he could not get a Saturday service there was little or no complaint with the services of the existing carriers operating within the San Francisco Territory and the proposed points to and including those within the Sacramento area.

All of the 5 Sacramento witnesses are presently using the services of one or more of the existing carriers. Four of the Sacramento witnesses are also making limited use of applicant's service to points within the San Francisco Territory. Except for a few isolated instances where a pickup was missed or a shipment was delayed in transit and with the exception of one witness who expressed a preference for a non-union carrier, there was no criticism of the services provided by the existing carriers.

The protestants introduced oral and documentary evidence relating to their respective operations. Delta Lines, Inc., Pacific Motor Trucking Co., System 99, and Ted Peters Trucking Company, Inc. each operate extensively throughout the State. Each owns and operates extensive fleets of equipment and each maintains terminals throughout its respective service areas. Peters Truck Lines is authorized to serve points north of San Jose and Modesto to the California-Oregon border. It owns and operates 118 units of equipment and maintains terminals at Yreka, Mt. Shasta, Redding, Sacramento and Oakland.

The protestants contend that they are presently providing a dependable overnight service and that there is no need for an additional carrier within the proposed area. They argue that there are a number of other highway common carriers also serving within the area and the granting of the application would result in further dilution of traffic, increased costs, and eventually to further increases in rates.

The Commission has considered and disregarded the same argument where it has been established that the proposed extension of service would provide the applicant's customers with the advantages of a composite service that the protesting carriers are unable to provide individually. In the application of Thompson Bros., Inc. (Decision No. 79860 dated March 28, 1972 in Application No. 52032), the Commission stated as follows:

"It has long been established that the public is best served in the field of transportation by competition subject to regulation. (Santa Clara Valley Auto Lines, 14 C.R.C. 112 (1917.)) Therefore, service is the prime factor considered not only by the shipping public, but also by the regulatory body. In California, the shipping public may choose not only from certificated carriers, but also from a large number of permitted carriers.³ As a consequence traffic is constantly being directed from one carrier to another regardless of the type of operating authority held. A shipper will usually select a carrier best suited to meet his transportation needs and requirements. Because the need and requirements of the shipping public vary widely there is a corresponding need for a wide variety of carriers. It is untenable, therefore, to take the position that the granting or denial of this application will per se materially change the competitive picture one way or another."

After consideration the Commission finds that:

1. Applicant is presently certificated to provide service as a highway common carrier between points in southern California and points in northern California. It is operating as a permitted carrier between southern California points, on the one hand, and points north of Sacramento and points between Sacramento and the San Francisco Territory, on the other hand. It is also providing local service as a permitted carrier between points in northern California, including points within the San Francisco Territory. By its application as amended, it seeks authority to extend service as a certificated carrier to those points that it now serves as a permitted carrier.
2. Applicant possesses the necessary experience, equipment, facilities, and financial ability to provide the proposed service if the application were granted.
3. Over the past few years a number of applicant's customers have requested applicant's service as a permitted carrier from southern California points to points in northern California which are beyond the scope of applicant's certificated authority. Although some still continue to use the services of the existing certificated carriers, many of applicant's customers have discontinued the use of the existing carriers because of various reasons including missed pickups, damages in transit, shortages, and in certain instances because the existing carriers failed to provide a Saturday service. Many of applicant's customers find it a convenience to make wider use of applicant's service to northern California points because of the ease in tracing shipments, the reduction in paper work, and the easing of congestion for those with limited dock facilities. Of great importance to certain customers is the economic advantage that would be afforded them in the use of applicant on split-delivery shipments.

4. The record does not demonstrate the same need for applicant's proposed local service between points in northern California. Although there were some witnesses who testified that they are presently using applicant as a permitted carrier between points in the San Francisco Territory and to points in the Sacramento area and to points and places intermediate thereto, the extent of such use is limited and sporadic. The existing certificated carriers are the primary source of service for applicant's northern California witnesses. Except for certain isolated criticism the public witness testimony fails to indicate that the existing service between the proposed northern California points is unsatisfactory.

5. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce to the proposed points in northern California but not between points locally therein and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by the order herein.

6. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted as hereinafter set forth and in all other respects denied.

The territorial description of the authority granted reflects the names of redesignated highways and roads and does not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

Samjo, Inc. is 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. 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 Samjo, Inc., doing business as Smiser Freight Service, a corporation, authorizing it 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. In providing service pursuant to the certificate herein granted, applicant 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, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it 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-Series.

- (b) Within one hundred and twenty days after the effective date hereof, applicant shall establish the service and amend its tariffs on file with the Commission to reflect the authority granted herein.
- (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-Series.
- (e) Applicant shall maintain its 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 its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

A. 53048 af

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 64311 dated September 25, 1962 in Application No. 43539, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

4. In all other respects Application No. 53048 is denied.

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

Dated at San Francisco, California, this 12th day of JUNE, 1973.

Vernon L. Sturgeon
President
William Synovis
Alvin J. [unclear]
[unclear]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

SAMJO, INC.
(a corporation)
doing business as
SMISER FREIGHT SERVICE

Samjo, Inc., doing business as Smiser Freight Service, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

1. Between all points and places located in the following territories:
 - a. The Los Angeles Basin Territory as described in Note A.
 - b. The San Diego Territory as described in Note B.
2. Between all points and places located on and within 10 miles laterally of the following named highways:
 - a. Interstate Highway 5 between the southerly boundary of the Los Angeles Basin Territory and the northerly boundary of the San Diego Territory.
 - b. Interstate Highway 15 and U.S. Highway 395 between the southerly boundary of the Los Angeles Basin Territory and San Diego, inclusive.
 - c. Interstate Highway 5 between the northerly boundary of the Los Angeles Basin Territory and Wheeler Ridge and State Highway 99 between Wheeler Ridge and Fresno, inclusive.
 - d. State Highway 65 between its junction with State Highway 99 near Bakersfield and its junction with State Highway 198 near Exeter.
 - e. State Highway 198 between its junction with State Highway 65 and its junction with State Highway 99.
3. Between the following off-route points: Taft, Shafter, Wasco, Corcoran, Hanford, Lemoore, U.S. Naval Air Station at Lemoore and Dinuba.

Issued by California Public Utilities Commission.

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4. Between all points and places described in paragraphs 1, 2 and 3 above, on the one hand, and on the other hand:
- a. All points and places in the San Francisco Territory as described in Note C.
 - b. All points and places on and within 10 miles laterally of U.S. Highway 101 between Salinas and the southerly boundary of the San Francisco Territory.
 - c. All points and places on and within 10 miles laterally of State Highway 1 between Monterey and Santa Cruz.
 - d. All points and places on and within 10 miles laterally of State Highway 17 between Santa Cruz and the southerly boundary of the San Francisco Territory.
 - e. All points and places on and within 10 miles laterally of State Highway 99 between Fresno and Marysville, inclusive.
 - f. All points and places on and within 10 miles laterally of the following route: State Highway 20, Interstate Highway 5, Interstate Highway 505 and Interstate Highway 80 between Yuba City and the San Francisco Territory.
 - g. All points and places on and within 10 miles laterally of the following route: State Highway 120, Interstate Highway 205 and Interstate Highway 580 between Manteca and the San Francisco Territory.
 - h. All points and places on and within 10 miles laterally of Interstate Highway 680 between Vallejo and the San Francisco Territory.

RESTRICTION: No local service may be performed between any of the points described in subparagraphs 4.a. through 4.h.

Issued by California Public Utilities Commission.

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(a corporation)
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5. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

Except that pursuant to the authority herein granted, carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 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.
4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.

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8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
10. Explosives or dangerous articles.
11. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly

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along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

NOTE B

SAN DIEGO TERRITORY

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

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NOTE C

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)