

Decision No. 83230

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of MUELLER TRUCK CO., a corporation,
for modification of its highway
common carrier certificate of
public convenience and necessity
by excluding certain commodities.

Application No. 54935
(Filed June 5, 1974)

O P I N I O N

Mueller Truck Co., a corporation, presently engaged as a highway common carrier in the transportation of general commodities, with certain exceptions, between points in southern California, requests that Exception No. 9, as set forth in its certificated authority, be amended to include "cooking ease, as described in Item 144800 of National Motor Freight Classification 100-A as oils, cooking or salad, liquid, NOI, in boxes," originating at Vernon.

It is alleged that applicant, pursuant to its permitted authority is currently serving a Vernon shipper of commodities presently excluded by Exception No. 9; that said shipper has recently requested applicant to provide the same service on shipments of salad and cooking oils; and that relief requested is needed by applicant in order to retain the business of this shipper which is substantial and important to applicant. ✓

After consideration, the Commission finds that public convenience and necessity no longer require applicant's services as a highway common carrier for the transportation of shipments of cooking ease, to wit: liquid cooking or salad oils, originating at Vernon.

The applicant's operating authority has been amended numerous times and it will be restated into a single certificate so as to assist the Commission in the pursuit of its regulatory function. Such restatement will not change or burden the authority except to the extent provided by the order herein.

✓
A public hearing is not necessary.

The Commission concludes that the application should be granted as provided by the order which follows.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Mueller Truck Co., a California corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Applicant shall comply with 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 twenty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public applicant shall amend its tariffs presently on file with the Commission to reflect the authority herein granted.
- (c) 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.

- (d) 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.
- (e) 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes all highway common carrier authority presently held by Mueller Truck Co., which authority is revoked on the effective date of the tariff filings required by paragraph 2b.

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

Dated at San Francisco, California, this 6th day of AUGUST, 1974.

Vernon L. Shurgen
President
William J. Brown
W. J. Brown
John W. Holmes

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Mueller Truck Co., 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 the Los Angeles Territory as described in Note A on the one hand, and the San Diego Territory as described in Note B, on the other hand.
2. Between the Los Angeles Territory and the San Diego Territory, on the one hand, and points on the following highways, on the other hand:
 - a. Interstate Highway 5 and State Highway 1 between the southern boundary of the Los Angeles Territory and the northern boundary of the San Diego Territory.
 - b. Interstate Highway 15 (U.S. Highway 395) between the Riverside-San Diego County Line, near Rainbow, and the northern boundary of the San Diego Territory.
 - c. State Highway 78 between its junction with Interstate Highway 5, near Carlsbad, and Escondido.
 - d. State Highway 76 between Oceanside and its junction with Interstate Highway 15 (U.S. Highway 395).
 - e. County Road S-13 between Vista and Fallbrook.
3. Between the Los Angeles Basin Territory as described in Note C, on the one hand, and all points and places in paragraph 2 inclusive, on the other hand.

Restrictions:

- (1) No service is authorized at the Naval Ammunition and Net Depot of Seal Beach, Fallbrook Annex.

Issued by California Public Utilities Commission.

Decision No. 83230, Application No. 54935.

(2) No local service is authorized:

- (a) Within the San Diego Territory.
- (b) Within the Los Angeles Basin Territory except as otherwise provided.
- (c) On the highways described in paragraphs 2a through c above, except as otherwise provided.

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.

Issued by California Public Utilities Commission

Decision No. 83230, Application No. 54935.

7. Logs.

8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

Shipments between the San Diego Territory, on the one hand, and the City of Los Angeles on the other hand, excepted.

9. Sodium (soda) hypochlorite solution; cleaning compounds; dry laundry bleach; and animal litter, viz.: chopped alfalfa pellets; liquid cooking or salad oil (cooking ease), originating at Vernon, and pallets used in such transportation destined to Vernon.

NOTE A

LOS ANGELES TERRITORY

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway

Issued by California Public Utilities Commission.

Decision No. 83230, Application No. 54935.

(State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

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.

NOTE C

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;

Issued by California Public Utilities Commission.

Decision No. 83230, Application No. 54935.

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 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.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 83230, Application No. 54935.