

ORIGINAL

Decision No. 83389

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of ROY MILLER FREIGHT LINES, INC.,
a California corporation, for an
in lieu Certificate of Public
Convenience and Necessity to
operate as a highway common carrier
for the transportation of property
in intrastate and interstate and
foreign commerce.

Application No. 53982

(Filed April 18, 1973;
amended October 16, 1973)

Murchison & Davis, by Donald Murchison,
Attorney at Law, for applicant.
Russell & Schureman, by Carl H. Fritze
and Robert Hancock, Attorneys at Law,
for Alco Transportation Co., Anaheim
Truck & Transfer Co., City Freight Lines,
Inc., G & H Transportation, Inc.,
Griley Freight Lines, Reliable Delivery
Service, Inc., and S & M Freight Lines;
and William F. Clement, Attorney at Law,
for Law Express, Inc., protestants.

O P I N I O N

This application was heard before Examiner Rogers in Los Angeles on seven days between October 3, 1973 and April 25, 1974, inclusive. On the last day of hearing the parties were given permission to file concurrent briefs. The briefs were filed on July 8, 1974, at which time the matter was submitted. Prior to the first day of hearing, notice thereof was served on possibly interested carriers as required by this Commission. An appropriate notice was published in the Federal Register.

Applicant's Operations

Applicant is a California corporation whose office is in Santa Fe Springs. It operates as a highway common carrier in intrastate commerce and, by virtue of registration with the Interstate Commerce Commission, in interstate and foreign commerce, in the transportation between all points in a described Los Angeles Territory which generally is west of Azusa, La Puente, Norwalk, and Seal Beach (Exhibit 6) of the following commodities (Exhibit 3):

1. Advertising matter
2. Automobile parts or accessories
3. Electrical appliances or equipment
or parts named
4. Floor coverings
5. Hardware
6. Machinery or machines, or parts named, viz.:
Engines, internal combustion
Garbage disposal units, sink,
household, electric
Household laundry:
Drying machines
Ironing machines
Washing machines
Ice making or refrigerating;
cooling or freezing machines
Vacuum cleaners
7. Sheet steel ware
8. Miscellaneous commodities, viz.:
Chinaware
Conduit
Heaters, water, gas or electric
Pails, sheet iron or steel
Pottery
Ranges or stoves, iron or steel, gas,
electric or oil
Refrigerators, gas or electric
Soap
Wire, iron or steel

It is authorized to use all available public highways.

Applicant also holds radial highway common carrier and highway contract carrier permits.

By this application authority is sought, as a highway common carrier, to transport general commodities, with the usual exceptions, between points in the Los Angeles Basin Territory, and between the Los Angeles Basin Territory, on the one hand, and the San Diego Territory, on the other hand, via Interstate Highways 5 and 15 (U.S. Highway 395), including all intermediate points and points within ten miles laterally on both highways (Exhibit 5). Applicant's request is unusual in that it proposes a same day service Monday through Friday where the origin and destination of the shipment is west of an imaginary line (referred to by applicant as the 35-mile radius area) through Claremont on the north and Seal Beach on the south (Exhibit 6) and the less-than-truckload shipment is tendered by 11:00 a.m., and truckload traffic by 9:00 a.m. All other service is proposed to be overnight.

Applicant's Evidence

Roy Miller commenced for-hire trucking operations in 1947. In 1959 the business was incorporated under the present name. All issued stock is owned by the two sons of Roy Miller and their wives. At the commencement of the business, Roy Miller had highway contract and radial highway common carrier permits. When the company was incorporated, statewide permits (excluding San Francisco city and county) were issued to the corporation. In 1956 the existing certificate of public convenience and necessity was issued to Roy Miller. This was transferred to the applicant in 1959 (Exhibit 3).

Applicant published notice of the herein application in the Federal Register (Exhibit 4). Applicant's witness (Wallace Miller) testified that in the areas and routes to which it seeks

a highway common carrier certificate, transportation is performed under its contract permit, and that north thereof service is performed under its radial permit.

The contention of the applicant was disputed by the protestants. On cross-examination of applicant's officials, they stated that daily service between the Los Angeles Basin Territory and the San Diego Territory, including service to intermediate points via both Interstate Highway 5 and U.S. Highway 395 is provided to the points and areas proposed to be served for any person requesting the service, unless the shipper was a bad credit risk, and that the service is provided on a daily basis, unless there is not enough freight for a van load. The applicant has no contracts with any shipper.

Applicant will establish joint rates and through routes with other carriers. It will operate under the rates set forth in Western Motor Tariff Bureau Nos. 107 and 111. It has \$50,000 of cargo insurance and \$300,000 public liability and property damage insurance. It handles, and will continue to handle, order-notify and C.O.D. shipments. Regular service is five days (Monday through Friday), but Saturday pickup and delivery will be rendered on request. Pickups are made up to midnight.

Applicant's Secretary-Treasurer testified that as of June 30, 1973, its current assets were valued at \$55,762 and its current liabilities amounted to \$37,487; that it had 33 employees, including 20 local drivers; and that its gross revenues increased from \$227,825 in 1968 to \$556,218 in 1972, and totalled \$403,443 for the first seven months of 1973.

The witness said that as of October 3, 1973, applicant had approximately 55 pieces of equipment, including 11 tractors, 12 bobtails, and 17 trailers, plus incidental equipment such as dollies and passenger cars.

The applicant has brochures advertising its operations (Exhibit 15). At some time it distributed the same brochure with a small insert headed "Points Served in San Diego Area" and listing 30 cities or locations (Exhibit 14). On cross-examination, the applicant's secretary-treasurer stated these inserts were taped into the big brochure. On redirect-examination the witness said the insert was printed at the request of applicant to show customers what the San Diego area encompassed, but it was not at any time attached to Exhibit 14. The witness said that about 15 months ago, at the request of applicant's attorney, the applicant ceased distributing the San Diego points list insert.

Applicant's dispatcher testified that applicant has approximately seven pickup and delivery runs and in addition, shag runs which handle overflow freight or deliveries; that it engages in interstate operations in its certificated (Los Angeles Territory) area; that it uses its contract permit in the Los Angeles Territory to handle commodities not covered by its highway common carrier certificate; and that it carries merchandise to and from San Diego under its contract carrier permit. The witness further testified that applicant performs interstate operations for several transcontinental carriers pursuant to written agreements (Exhibit 13), called drayage contracts; that under these documents pickup and delivery for the interstate carrier is performed in the carrier's terminal area; and that it would be an advantage to applicant to provide interstate service without contracts in its entire proposed area. The witness further stated that applicant offers same day service if requested for truckload lots picked up by 9:00 a.m., and by 11:00 a.m. for less-than-truckload shipments for the area described by its secretary-treasurer; that Saturday pickup and/or delivery is performed on request. The witness further

testified that applicant has sufficient equipment to handle the customers' requirements; and that due to the contract carrier permit limitations, although applicant could operate daily to and from San Diego, it interlines with other highway common carriers several days per week in order to avoid violation of its permit.

The witness said that on some occasions applicant does carry between Los Angeles and San Diego daily. The witness stated that as a contract carrier he serves about 30 customers a day. That twenty of these are daily and the rest are sporadic.

Public Witness Testimony

A total of 19 public witnesses testified that they use and need the applicant's proposed service. The names of the companies and a brief summary of the testimony follow:

1. The office manager of Moulding Corporation of America, Glendale, testified the company ships plastic moulding materials. The witness said the company needs the 35-mile radius same day service within the Los Angeles Basin Territory (hereinafter LABT) and needs service to all points within the LABT and to San Diego. It ships daily within the 35-mile radius averaging 10,000 pounds per day. It considers the service of applicant to be excellent and it will continue to use service to above-mentioned points within and without the 35-mile radius and to San Diego. The company has experienced steady growth in its transportation needs and requirements.

The witness said the company has interstate shipments weekly averaging 50 to 100 pounds and anticipates additional interstate traffic in the near future. He said it needs and will use applicant's service for both intrastate and interstate traffic.

On cross-examination, the witness testified that Anaheim Truck & Transfer Co. (now merged into City Freight Lines) could not

render same day service; and that his company has not been solicited by Griley, S & M, Alco, or Law Express.

2. The traffic analyst for R & G Sloane of Sun Valley testified the company ships plastic pipe and fittings. He said the company needs same day service within the 35-mile radius of LABT as well as to the balance of LABT and to San Diego; that shipments are made on a daily basis to points within the radius as well as the balance of the LABT, averaging from 100 to 10,000 pounds; that the company also has inbound freight from points within the LABT, basically returned goods, ranging in weight from 50 to 1,000 pounds; and that the weekly freight averages 500 to 10,000 pounds, 85 percent of which is intrastate and 15 percent interstate. He said the company receives same day service within the 35-mile radius from applicant and needs overnight service to points outside and is receiving it from applicant; that the company receives late evening pickups as well as Saturday pickup and delivery service; and that other carriers refused to make pickups because of picket lines at witness' place of business. He said incoming shipments from the harbor average 10,000 pounds a week.

3. The warehouse manager of Viking Office Products of Los Angeles, which ships paper products, files, and office supplies, testified the company needs service within the 35-mile radius, making between 10 and 30 daily shipments with an average weight of 100 to 1,000 pounds within the 35-mile radius; that it also ships to the balance of the LABT five to 15 shipments per day averaging 100 to 1,000 pounds; that the company also receives freight from suppliers in the Los Angeles area; that the company also receives interstate shipments averaging 60 to 80 tons per month; that applicant's service has been used for more than two and one-half years; and that it receives same day delivery service

within the 35-mile radius of the LABT and overnight service to the balance of the LABT as well as outbound interstate shipments.

On cross-examination the witness said it would be a convenience to his company if applicant were granted interstate authority to minimize billing problems and communication.

4. The president of Lester Bass Company of North Hollywood, which handles non-pharmaceutical drug sundries, paper products, and toys, testified that the company handles approximately 3,000 to 4,000 different items; that it needs daily 35-mile radius same day service; that it also ships to the balance of the LABT and San Diego on a daily basis. He said interstate shipments average 200 to 1,000 pounds on bi-weekly shipments; and that the company used applicant exclusively for four years, but without solicitation by protestants.

5. The manager of Richards Manufacturing Company of Los Angeles, which manufactures lamps and shades, testified the company needs service to the LABT and San Diego on a daily basis; that it needs the 35-mile radius same day service; that the company receives better service from applicant than from Cal State, City, Reliable, and Higgins Truck Company; that the company has interstate shipments outbound on a daily basis, shipping 1,700 cartons weighing 25 pounds per carton out of state per day; and that it would use applicant's service if authorized on interstate operations.

6. The traffic supervisor of Light House Lamps of Huntington Park testified it ships lamps, lamp shades, and lighting fixtures; that it needs daily service in the 35-mile radius; that its shipments average 200 to 300 pounds per shipment; that it also ships one to five shipments per week averaging 100 to 400 pounds to the balance of the LABT; that shipments are made to the San Diego

Territory as well as intermediate points averaging one to four shipments per week weighing 100 to 400 pounds; that the company has used applicant for seven years; that it needs and has obtained overnight service to San Diego and intermediate points; that the company's business has grown 35 percent to 40 percent in the past three years; and that it has had no solicitation from Alco, Anaheim, City, G & H, Griley, Reliable, S&M, or Law Express. The witness said the company also has interstate traffic destined throughout the United States, to foreign countries, and to Hawaii; and that it has 50 shipments per day averaging 1,500 to 5,000 pounds.

7. The vice president of Maclin Company, City of Industry, testified the company manufactures plastic compounds, plastic vinyl film, and sheeting; that it needs service within the 35-mile radius of the LABT on a daily basis; that it averages five to six shipments per day therein; that shipments are made to the balance of the LABT and the San Diego Territory; that shipments average two per week and range from 5,000 to 20,000 pounds; that the company receives inbound shipments from warehouses within the LABT; and that it uses applicant and needs its service for this transportation. The witness said the company's business has grown 10 to 15 percent per year during the last three years; and that it needs the applicant's service, both on interstate and intrastate traffic.

8. The shipping and receiving supervisor of Spears Manufacturing of Sylmar, which manufactures plastic pipe fittings and hose, testified the company has one or two daily shipments within the 35-mile radius of LABT and has need for applicant's service on shipments ranging from 500 to 10,000 pounds; that it also ships outside the 35-mile radius and within the LABT approximately twice a month; that each shipment averages several hundred pounds; that it also has shipments to San Diego and intermediate points on a

weekly basis; that it has used applicant's service for approximately two and one-half years; that it is excellent service; and that the business has experienced growth of up to 25 percent per year.

He complained that Delta, Jack Jones, and Industrial Cartage allowed freight to sit on the dock, of late afternoon deliveries when the customer is closing, and of freight interlined with other shipments instead of direct delivery.

9. The plant manager of Crawford Manufacturing Company, located in Santa Fe Springs and which supplies home furnishing items, decorator pillows, and bedspreads, testified the company has 12 to 15 shipments per day averaging 50 to 30,000 pounds within the 35-mile radius of LABT; that it requires same day service therein; that to the balance of the LABT it has approximately 12 to 15 shipments per day ranging between 50 and 2,500 pounds; that it also ships to the San Diego Territory and intermediate points averaging 50 to 2,500 pounds per shipment; that it needs the same day 35-mile radius service as well as service to the balance of the LABT and the San Diego Territory; that it has used applicant for at least two years; and that applicant is the most responsive to the company's needs.

The witness further testified that the company ships interstate to the western half of the United States moving 95,000 to 100,000 pounds per month, and receiving approximately 200,000 pounds per month; and that it needs such service.

10. The traffic supervisor for Essex Chemicals of La Mirada testified that the company makes adhesive compounds; that it needs daily same day service within the 35-mile radius for five to 10 shipments averaging 500 to 20,000 pounds; that it needs applicant for the balance of the LABT for two to three shipments per day

ranging from 500 to 2,000 pounds; that it needs service to San Diego and intermediate points on shipments approximately once or twice a week; that applicant has been used for many years for this service; that applicant is the most responsive; that the company has experienced steady growth at the rate of approximately 200,000 pounds per month during the last two years.

The witness said the company has had difficulty with G. I. Trucking Company and Dick Myer Freight Lines in failing to pick up.

The witness testified that the company has inbound and outbound interstate shipments approximating 250,000 pounds per month; that it has used T.I.M.E.-DC, Western Gillette, U.P.R.R. piggyback, and Santa Fe piggyback and has experienced "a lot of damage problems".

11. The office manager for Vanbrode Milling Company and Wonder Container Corporation of Vernon testified that his company handles plastic utensils and styrofoam cups; that the company needs service within the 35-mile radius on a daily same day delivery basis; that the company has 15 to 20 shipments per day within the area; that the company also ships to the balance of the LABT on a daily basis; that shipments weigh 10 to 3,000 pounds; that the company also ships to San Diego twice a week; that the shipments average 10 to 3,000 pounds; that the applicant now provides such service and has for eight years; and that the company needs overnight service to the balance of the LABT and San Diego.

He said the company was never solicited by Alco, Anaheim, City, or Griley.

The witness said the company has four to five interstate shipments per week ranging from 250 to 2,500 pounds and that the company needs to have applicant pick up both interstate and intra-state traffic at the same time thus reducing dock congestion.

12. The president of Henry Unger & Associates of Los Angeles testified that the company handles toys, party favors, and advertising material; that the company ships to substantially all points and places in the LABT 12 to 15 times per week; that shipments range from 500 to 1,000 pounds; that it also ships to San Diego once a week; that the shipments average 500 pounds; and that it has some shipments to San Ysidro. He said applicant's service is excellent.

The witness said the company has used the service of Shippers-Imperial and describes it as fair because they would come in one day late to pick up the merchandise; and that City Transfer was only average in that they did not pick up their freight the same day.

The witness said the company has interstate shipments outbound from the Los Angeles harbor approximately weekly; that the shipments weigh at least 500 pounds; and that the company was unhappy with the services of Swift Transportation in that their freight has been tied up at the dock for two or three days awaiting pickup.

The witness said the business has increased 15 percent per year for the past two to three years, and a future increase is anticipated, increasing shipping requirements for both intrastate and interstate traffic.

13. The shipping and receiving supervisor of Atlas Cardboard Products of Monterey Park, which distributes printed advertising matter, testified that the company has 10 to 15 shipments per week into the LABT with approximately 14 out of the 15 within the 35-mile radius; that it needs daily same day service on the shipments; that it ships to San Diego once a week; and that it has used applicant for ten years.

The witness said the company has used other carriers and has received bad service such as failure to arrive for a pickup after promising to make it.

14. The warehouse superintendent of Federal Wholesale Toy Company of La Mirada testified the company sells toys; that it ships daily to all points and places in the LABT; that it has 30 shipments per day of which 50 percent go into the 35-mile radius area; that it receives same day service within the 35-mile radius; and that such service is necessary in the business. The witness said the company has an average of two to three shipments per week to San Diego with shipments to El Cajon, Chula Vista, Oceanside, La Jolla, San Ysidro, and Escondido.

He said PMT had been used for the LABT; that the shipments were not delivered next day; and that sometimes the shipments were not received for two or three days.

15. The director of purchasing and production of the Einson Freman Company of Los Angeles testified the company furnishes advertising materials, racks, and store displays; that the company averages 40 shipments per week into the LABT from suppliers located therein; that the company ships to San Diego Territory; that the shipments average two per week and weigh 22 pounds to 5,000 pounds; and that the company has grown regularly and needs applicant's service.

The witness further testified that the company ships out of state and has difficulty with direct pickups for trans-continental carriers; and that it has 10 to 15 shipments per week of racks and store displays.

16. The shipping foreman for Adams Bros. Plastics of Hawthorne, which manufactures plastic television cabinets, beverage cans, milk cans, coke cases, shoe boxes, and other plastic articles, testified that the company ships to points within the

entire LABT; that the shipments average 8,000 pounds per week; that the company uses applicant to the San Diego Territory two to three times per week on shipments averaging 12,000 pounds; that applicant's service has been very good; and that the company has a need for its services to all points.

On cross-examination the witness testified that when Cal Cartage or Smiser Freight Service were used on shipments to San Diego, the service was poor whereas applicant makes prompt pickups within the time element required; and that this is the type of service the company needs.

17. The production superintendent for Kendall Foods of Los Angeles, which manufactures dog food, testified that the company ships daily to the entire LABT on shipments averaging 7,000 tons per year; that it ships to the San Diego Territory once a week averaging 10,000 pounds; that it also ships to intermediate points; that the company has grown 20 to 30 percent in the last few years; that the company has interstate shipments and has experienced problems with regard to availability of carriers; that Garrett Freight Lines and Thunderbird have been late on pickups as well as deliveries; that interstate shipments are both inbound and outbound with inbound shipments requiring deliveries within the 35-mile radius on fishmeal from the harbor area as well as tomato pomace from Fullerton hauled in truck-load quantities; that the company needs applicant's service both on interstate and intrastate traffic; and that it has used applicant's service on intrastate traffic for three and one-half years.

18. The materials manager for W. D. Adam Co. of Costa Mesa, which manufactures plastics, formed plastic articles, and shipping and storage containers, testified that the company needs daily same day, 35-mile radius service on shipments averaging 500 pounds;

that it needs service to the balance of the LABT on a daily basis averaging 500 pounds per shipment; that it also ships to the San Diego Territory two to three times per month; and that the company uses the applicant and receives excellent service.

The witness said the company has interstate shipments on a daily basis averaging 300 pounds; that it uses Consolidated Freight Lines which has been inconvenient by virtue of failure to make pickups on time; and that the company needs applicant's service for both intrastate and interstate shipments.

19. The manager of product services of Haldeman Incorporated of the City of Commerce, which manufactures heating, air conditioning and related equipment, testified that the company has approximately 30 shipments per day into the 35-mile radius ranging from 200 pounds to truckloads; that applicant's services are very good; that the company needs and receives same day service from applicant; and that the company also ships to the balance of the LABT and receives shipments from the company factory in Buena Park as well as from Pacoima and from other warehouses in Los Angeles. The witness said that applicant is used to the San Diego Territory as well as the LABT almost exclusively.

Protestants' Evidence

Evidence in opposition to the application was presented by eight highway common carriers, each of which has coextensive interstate rights, six by testimony by company representatives and two by stipulation.

1. Also Transportation Company

This carrier has terminals in Montebello and National City; it has authority for the transportation of general commodities between points in the LABT, the San Diego Territory, and between these territories via Interstate 5 and Interstate 15 with

five-mile laterals; it has over 160 pieces of equipment; its power equipment is radio-equipped; and it offers overnight service on all less-than-truckload traffic with Saturday service on request. Its witness stated that it is not now operating at full capacity and that the northbound traffic from San Diego to Los Angeles is approximately 50 percent of the southbound traffic.

2. City Freight Lines

This carrier has terminals in Anaheim, Fullerton, Santa Fe Springs, Carson, and Los Angeles. By the recent acquisition of the rights of Anaheim Truck & Transfer it has authority to carry general commodities, with the usual exceptions, between points in the Los Angeles Basin Area and between Los Angeles and the San Diego Territory via U.S. Highway 101, including points within three miles thereof. It has many hundred pieces of equipment, including open and closed trailers varying from 45 feet to 27 feet in length. It offers overnight service, has about 300 employees, operates at about 75 percent of load capacity, and it has had a growth in tonnage. Its witness stated a new carrier would hinder the company's growth.

3. S & M Freight Lines

This carrier serves between points in the Los Angeles Basin Area, between points in the San Diego Territory, and between the two areas via U.S. Highway 101 with service to points within five miles thereof. In April 1974 it had 15 bobtails, 36 trailers and 14 tractors, of which 10 bobtails, 10 trailers, and 7 tractors had not been licensed due to insufficient tonnage. It has one terminal in Los Angeles, and it offers generally overnight service. Its witness said the company runs at approximately 75 percent of capacity.

4. Reliable Delivery Service, Inc.

This carrier operates between the Los Angeles Basin Territory and the San Diego Territory (plus local service in the LABT) via U.S. Highway 395 and U.S. Highway 101, with five-mile laterals on each side of the highways. It has terminals in Paramount, San Diego, and San Bernardino. It has over 150 pieces of transportation equipment, including bobtails, tractors, and open and closed trailers. It has 140 employees, down from 200 in the past year. In 1973 its operating ratio was over 100. In 1972 it was 97 or 98. Its witness said it protests the addition of new highway common carriers.

5. G & H Transportation

This carrier operates in the Los Angeles Basin Area and between the Los Angeles Basin and the San Diego Territory via U.S. Highway 101 and U.S. Highway 395, with five-mile laterals on each route. It has over 100 pieces of equipment of all types and, in addition, utilizes about 20 owner-operator rigs. About 75 percent of its power equipment has two-way radios. It holds out to give overnight service to San Diego. In the basin it will give same day service on request. It could, and would, handle more traffic.

6. Griley Freight Lines

This carrier has authority to carry general commodities between all points in the Los Angeles Area, and between that area and San Diego via U.S. Highway 395 and Interstate Highway 5. As far as the Los Angeles-San Diego service is concerned, it has terminals in Wilmington, Los Angeles, Long Beach, and San Diego. It has 190 employees, 28 bobtails, 67 tractors, 28 leased (to individuals) tractors, and 118 trailers. Most of this equipment is used in the Los Angeles-San Diego service. Griley holds itself out to give overnight service between Los Angeles and San Diego (less-than-truckload). Its witness said the company could handle more traffic;

that it is not operating to capacity; that it will give same day service (run a special) for 10,000-pound shipments to San Diego and to the Los Angeles Basin Territory; and that the company's brochures do not advertise the same day service.

7. L. A. City Express, Incorporated (by stipulation)

This carrier operates in the Los Angeles Basin Territory. It has 26 tractors, 38 bobtails, twenty-eight 27-foot to 40-foot vans, and seven flatbeds.

8. Law Express, Inc. (by stipulation)

This carrier has authority to serve the LABT. It has 13 vans and four tractors.

Applicant's operating testimony shows possession by applicant of the requisite experience, equipment, personnel, terminal facilities, and financial resources necessary to institute and maintain the transportation operations presently performed and the transportation service herein proposed to be performed. As a certificated carrier applicant has been conducting operations within its authorized certificated authority and has been conducting extensive operations throughout the proposed area as a permitted carrier; however, by virtue of its growth and the fact that it may be approaching common carriage as to the extended service territory and commodities sought, applicant filed the herein considered application to extend its certificated authority, commoditywise within the territory it now serves, and commodity and territorially to the area it now serves pursuant to permitted authority.

The protestants offered only a declaration of their authority via exhibits and statements of their equipment and terminals operated. They all have growth in revenues, equipment, personnel, and/or tonnage.

Complaints were registered by shippers against 28 existing carriers, including all of the protestants. In some instances several different types of complaints were made against many of the existing carriers. Additionally, the record reflects that the protesting carriers did not solicit applicant's supporting shippers.

Findings

1. Applicant possesses the experience, equipment, personnel, terminal facilities, and financial resources necessary to institute and maintain the transportation operations presently performed and the transportation service herein sought.

2. Applicant, as a certificated carrier, has been conducting operations within its authorized certificated authority, and has been conducting extensive operations throughout the proposed service area as a permitted carrier.

3. Because of the continual growth of its operations, applicant seeks to extend its certificated authority to the area it now serves pursuant to permits.

4. Applicant is not a new carrier entering the field for the first time. It represents an established operation and there is no reason to assume that upon certification applicant will be any more competitive than it has been as a permitted carrier.

5. The grant of additional authority will not impair its ability to provide reasonable service to its existing customers.

6. The equipment operated to serve its present customers is being utilized efficiently, including a reasonable backhaul load factor.

7. Applicant is willing to provide a planned, regular route service, including pickup and delivery services, in an efficient and feasible manner.

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

9. A number of customers presently using applicant's permitted service have demonstrated a need to have applicant pick up their interstate shipments at the same time as it picks up their intrastate shipments.

10. Granting the authority sought herein will have no significant impact upon any highway common carrier having authority to operate in competition with applicant's proposed service.

11. The institution of the extended service requested has not been shown to have caused any significant injury to any certificated carrier, although some interline traffic will be eliminated.

12. Shippers have received less than adequate service from carriers presently operating in intrastate and interstate and foreign commerce in the territory sought to be served by applicant.

13. The portion of the public whose freight supports the present scheduled operations is composed in large part of those who find the services of existing certificated carriers not fully responsive to their needs; their dissatisfaction is based upon: (a) missed and late pickups; (b) delays in transit; (c) refusal to make pickups; (d) "lost" shipments; (e) delivery failures; and (f) inability to provide same day delivery service in the 35-mile radius area in the Los Angeles Basin Territory.

14. There is a need by members of the shipping public for expeditious service for shipments in interstate and foreign commerce between the same points and over the same routes that applicant has sought to serve in intrastate commerce.

15. Notice of this application appeared in the Federal Register on Wednesday, May 9, 1973. Hearings on this matter were public and opportunity was afforded all interested parties to appear and be heard.

Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application 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 this decision.

Conclusion

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

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Roy Miller Freight Lines, Inc., a 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) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to 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 of this order, applicant shall establish the authorized service and amend or 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 authorized service.
- (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.

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. 53727 and acquired by applicant by Decision No. 58421, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California,
this 4th day of SEPTEMBER, 1974.

I dissent:

Ed Hol, Commissioner

Vernon L. Steenson
President
William J. Synanon
William J. Synanon
William J. Synanon
Commissioners

Roy Miller Freight Lines, Inc., 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 in the Los Angeles Basin Territory as described in Note A.
2. Between all points and places in the Los Angeles Basin Territory on the one hand, and all points and places in the San Diego Territory as described in Note B, on the other hand, serving all intermediate points on Interstate Highways 5 and 15 (U.S. Highway 395) and all points within 10 miles laterally of said highways.

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

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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. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
8. 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

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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.

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.

(END OF APPENDIX A)

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