

BP

Decision No. 83669

ORIGINAL

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

ORDER MODIFYING DECISION NO. 83389
AND DENYING RECONSIDERATION AND/OR REHEARING

Protestants, Alco Transportation Co.; City Freight Lines; G&H Transportation, Inc.; Griley Freightlines; Reliable Delivery Service, Inc., and S&M Freight Lines, having petitioned for reconsideration and rehearing of Decision No. 83389, the Commission having considered said petition and good cause not having been made to appear, rehearing and/or reconsideration must be denied. However, we are now of the opinion that Decision No. 83389 should be modified in certain respects.

Petitioners point to language in the subject decision which provides that "[t]he applicant has no contracts with any shipper". (Decision No. 83389, mimeo 4.) This statement is incorrect. There is evidence in the record that applicant does, indeed, have oral contracts with shippers. Thus, Decision No. 83389 should be modified to reflect this circumstance.

Petitioners also take exception to one paragraph of our discussion relating to the services of existing carriers. (See Decision No. 83389, mimeo 19.) This paragraph states that:

"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."

Petitioners correctly point out that (1) complaints were not registered against all of the protestants and (2) there is evidence of some solicitation of applicant's supporting shippers by the protesting carriers. Accordingly, the subject paragraph will be modified as hereinafter ordered.

THEREFORE, IT IS ORDERED that:

(1) The last sentence in the first full paragraph on mimeo. 4 of Decision No. 83389 is hereby modified as follows:

"The applicant has no written contracts with any shipper."

(2) The first paragraph on mimeo. 19 of Decision No. 83389 is hereby modified as follows:

"Complaints were registered by shippers against 28 existing carriers, including several of the protestants. Said complaints were 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 areas in the Los Angeles Basin Territory. Additionally, the record reflects numerous instances where protesting carriers had not solicited applicant's supporting shippers."

(3) Rehearing and/or reconsideration of Decision No. 83389, as modified hereinabove, is hereby denied.

(4) The suspension of Decision No. 83389, imposed by the timely filing of the subject petition, is hereby terminated.

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The effective date of this order is the date hereof.

Dated at San Francisco, California, this 29th
day of OCTOBER, 1974.

Vernon L. Sturgeon
President

William Symon J.

Franklin

Donald

Robert E. Merland
Commissioners