

Decision No. 84114

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
EDGAR R. CUDE, an individual, doing
business as ACTIVE TRUCKING SERVICE,
for a 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. 52790
(Filed July 30, 1971;
amended August 29, 1974)

Murchison & Davis, by Donald Murchison,
Attorney at Law, for applicant.
Richard S. Kopf, Attorney at Law, and
Still, Steiger & Ollestad, by
Ronald J. Kinsling, Attorney at Law,
for Pacific Motor Trucking Co.; and
Russell & Schureman, by Carl H.
Fritze, Attorney at Law, for Smith
Transportation Co., Victorville
Barstow Truck Line, Reliable Delivery
Service, Inc., Kern Valley Trucking,
City Freightlines, Inc., Griley Freight
Lines, Shippers-Imperial, G. & H.
Transportation, Inc., Los Angeles City
Express, Inc., and Qwikway Trucking
Co.; protestants.
Elmer J. Sjostrom, Attorney at Law,
for the Commission staff.

OPINION ON REHEARING

This is an application by E. R. Cude, doing business as
Active Trucking Service (Cude), who is now operating as a per-
mitted radial highway common carrier and highway contract carrier,
for a certificate of public convenience and necessity as a highway
common carrier both intrastate and interstate, between:

- a. All points and places in the Los Angeles
Basin Territory as described in Exhibit A
attached to the original application.

b. All points and places in the territory described in paragraph a above on the one hand and the following on the other hand, serving all intermediate points on or within ten miles laterally of the named highways:

- (a) The San Diego Territory, via Interstate Highways 5 and 15 (U.S. Highway 395), and State Highway 78.
- (b) To Bakersfield, via Interstate Highway 5 and State Highway 99.
- (c) Mojave, via Interstate Highway 5 and State Highway 14.
- (d) Santa Barbara, via U. S. Highway 101 and State Highway 1.

The original application listed the specific commodities for which this authority was requested.

After hearings held between November 30, 1971 and March 5, 1973, Decision No. 82748 dated April 16, 1974 granted the authority requested. Upon protestants' petition, Decision No. 83306 dated August 20, 1974 granted a rehearing and essentially directed the applicant to amend his application to conform to his proofs, as certain commodities transported by applicant were not included in the list of commodities authorized in Decision No. 82748.

On August 29, 1974 Cude filed his First Amendment to Application, requesting general commodity authority (with the usual exceptions). Notice of this request was published in the Federal Register on September 18, 1974. At the prehearing conference on October 8, 1974 applicant indicated that he was requesting alternate relief, i.e., general commodity authority, or specific commodities,

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including those for which authority was originally granted in Decision No. 82748 together with those listed in paragraph II of his First Amendment. At the same prehearing, certain protestants orally moved for production of applicant's delivery receipts for all applicant's shippers, or alternatively, of all those shippers who testified on behalf of applicant, for any three-month period within the period of testimony (November 30, 1971 through March 5, 1973). Thereafter, the presiding examiner ruled that applicant produce all delivery receipts of the supporting shippers for the period January 1, 1973 through March 5, 1973. At the prehearing conference it was also ruled that all exhibits and the entire record of hearings between November 30, 1971 and March 5, 1973 would be incorporated into and made a part of the record on rehearing.

On November 14, 1974 rehearing was held before Examiner Blecher. Applicant offered one additional exhibit (admitted as No. 116) but no additional testimony. Protestants offered additional testimony and exhibits, which will be discussed later. The matter was submitted for decision on the above date, subject to the filing of concurrent letter briefs by November 25, 1974.

It should be noted that protestant Pacific Motor Trucking Co. failed to appear or show any interest in these proceedings after the issuance of Decision No. 83306. Therefore, we find that their protest has been abandoned. Protestant Los Angeles City Express, Inc. entered its appearance at the prehearing conference of October 8, 1974. ✓

Counsel for protestants omitted the names of Western-Gillette, Inc., Desert Express, and Shippers-Imperial from the list of protestants after the rehearing was granted. We presume their protests have also been abandoned.

Applicant's Evidence

Applicant commenced doing business under the name of Active Trucking Service in April 1967. His office and only terminal is in Maywood, California, where he has a leased, 11,500 square foot warehouse in a fenced, blacktop area. He has no tailgate spaces and he does not have, nor does he propose, a dock operation. Cude had 19 years of truck driving and related experience before going into his own business. His firm has grown from three drivers and three bobtail trucks to 25 employees (19 drivers) and 36 pieces of equipment, including 12 bobtail trucks, seven diesel tractors, and 10 semi trailers, as of May 1972. The drivers receive 35 percent of the gross freight charges as their compensation. In 1968, the first full year of operation, Cude's gross revenue was \$128,296, and his total tonnage was one million pounds monthly. In 1972 his gross revenue was \$569,593, and anticipated total monthly tonnage was 5.5 million pounds compared to 4.5 million pounds in 1971.

Applicant represents as follows:

1. If authority is granted, he will become a party to Western Motor Tariff Bureau, Inc. Tariffs Nos. 107 and 111.
2. That he renders same day service within a 35 mile radius of his terminal (See Exhibit 5), and if the authority is granted, will continue to so do, except for LaVerne and Claremont.
3. Service outside the 35-mile area is generally overnight.
4. Generally, shipments picked up after 2:00 P.M. are delivered the next morning unless consignee is able to receive late delivery (after 6:00 P.M.).
5. He does not operate a scheduled route service, but picks up at any hour, on request, and for some customers on a daily basis.
6. Service is, and proposes to be, provided five days per week with Saturday delivery service on request.
7. He is always able to meet equipment demands of customers, and rents additional equipment to do so, on occasion.

8. He plans to build his own terminal with enlarged facilities when his lease expires.

9. He is presently competitive with many certificated carriers.

10. The granting of the certificate will help his customers in their split delivery and master billing problems.

11. He has not solicited any business but will accept all business, if certificated.

12. He was advised by the Commission staff that he may be approaching common carrier status (as all carriage in the area requested is under his highway contract carrier permit).

13. Presently, he is the only carrier performing same day service within the 35-mile area of his terminal.

14. If certificated, he would handle shipments to and from the harbor area, and would interline with interstate carriers, pursuant to his customers' requests.

The applicant presented 20 supporting witnesses (including one interstate motor carrier, T.I.M.E. - DC). Their testimony covered a multitude of commodities^{1/} broad enough so that a request for general commodity authority, as set forth in applicant's amended application, should have been made originally. Since we believe that any authority granted should be for general commodities, we shall not further discuss the lengthy evidence presented in this area.

The balance of the supporting testimony is summarized as follows:^{2/}

1. Same day delivery service is important and useful in our business, and is frequently used in the 35-mile area.

2. Occasionally need overnight service to Santa Barbara, Bakersfield, San Diego, and intermediate points.

^{1/} Summarized in Appendix B.

^{2/} Every shipper did not testify to every matter listed. See Appendix B for complete list of supporting shippers.

3. Several shippers need daily service in Los Angeles area and Los Angeles Basin Territory; others less frequently.

4. Would use applicant's service on interstate shipments, if authority was granted.

5. Service, not cost, is paramount for some shippers.

6. Saturday service has been requested and received.

7. Some shipments are jobsite.

8. Occasional shipments made to Lancaster, Palmdale, and Mojave.

9. Applicant's service is excellent, with no additional charge, as other carriers make, for same day service.

10. Applicant makes several daily pickups at some shippers.

11. Most shippers have seen their business increase in varying degrees since they have been using applicant's services.

12. Applicant's service is prompt, frequent, and dependable, and his drivers are helpful.

13. Two shippers (Nu-Lite and Textured Coatings of America) stated they would eliminate certain proprietary truck operations if applicant is certificated.

14. All the protestants have provided less than satisfactory service on occasion with regard to pickups, inability to obtain proper equipment, delayed deliveries, extra charges for same day or Saturday service, refusal to handle some shipments, and other matters.

15. The frequency of shipments varies from several times daily to monthly in some of the requested territory.

Protestants' Evidence

Each of the eleven protestants presented evidence in opposition to the application. All requested areas are served among all the protestants, each of whom is a certificated carrier with concurrent interstate authority. The protestants operate terminals with regular pickup and delivery runs, shag runs, and substantial fleets of varied equipment. They service the harbor area and handle interline traffic with connecting interstate carriers. They generally offer overnight service, with economically feasible same day service at extra charge, and some unadvertised Saturday delivery service upon prior request.^{3/} Larger shipments are usually loaded to go, and smaller ones are handled in the docks and terminals.

The protestants are operating under union contracts, which require premium pay for Saturday employment. They all claim excess capacity varying from 20 - 40 percent, though they state that this is about normal for the industry, and they could handle substantially larger volumes of business. They have generally had a steady growth in revenues, equipment, tonnage, and service areas though the current economic conditions are now adversely affecting their business. The common carriers testified, generally, that they have been detrimentally affected by the large increase in proprietary and leased carriage, generally caused by frequent, though necessary rate increases, which in turn is allegedly caused by competitive conditions, though other factors also cause business loss. No factual evidence or data in support of this testimony was offered, except for Exhibit 112 offered by Reliable Delivery Service, Inc., which was both incomplete and inaccurate in the totals shown.

^{3/} City Freight Lines offers seven-day service.

They admit that the applicant presently competes, in varying degrees, with them. Some said he would provide more competition as a permitted carrier than as a certificated carrier, as he can "pick and choose" or "skim" the desirable traffic as a permitted carrier. The protestants take the position that applicant has not proven common carriage, but, alternatively, if he has so proven, he should be denied a certificate because of his past illegal operation as an uncertificated common carrier. They also argue that the applicant has not proven inadequate service in the requested areas by the protestants, though they have not produced any evidence contrary to that adduced by the supporting shippers. They further claim that certification of applicant would divert traffic from them, causing a loss of profits and essentially causing another round of rate increase requests and additional loss of traffic to proprietary and leased carriage, but no factual evidence was introduced to support this claim.

Discussion

The primary issue raised by the protestants is whether or not the applicant has been operating, and is proposing, highway common carrier service.

The pertinent portion of Section 213 of the Public Utilities Act (Act) defines "highway common carrier" as "every corporation or person owning, controlling, operating, or managing any auto truck, or other self-propelled vehicle not operated upon rails, used in the business of transportation of property as a common carrier for compensation over any public highway in this State between fixed termini or over a regular route, ...".

Section 215 of the Act provides in part, as follows:

"Between fixed termini or over a regular route" means the termini or route between or over which any highway common carrier usually or ordinarily operates any auto truck or other self-propelled vehicle, ... even though there may be departures from such termini or route, whether such departures be periodic or irregular."

The determination of fixed termini depends upon the facts of each case, though it need not be fixed points geographically, but may be a city, town, truck terminal, locality, shipper's place of business, consignee's place of business, or any location where a shipment is picked up or delivered. (Fleetlines, Inc. (1952) 52 CPUC 298.) The termini are "fixed" if the service is frequent enough to comply with the "usually or ordinarily operates" clause of Section 215 of the Act. (See Fleetlines, Inc., supra.)

Applying these concepts to the present case, we find the evidence fully supports a finding of highway common carriage. Though no regular route was run by Cude's trucks, they made frequent, often daily, and sometimes multi-daily pickups at regular customers and transported the goods to the shippers' regular customers. This occurred both in the same day service area and less frequently but regularly in the outlying areas of the requested authority. This activity satisfies Section 215 of the Act. We recognize that this broad concept could be applied to many permitted carriers, particularly radial highway common carriers, who offer their services to the general public and who are distinguished from highway common carriers only by the statutory prohibition against operating between fixed termini or over regular routes defined in Sections 213 and 215, supra. On the other hand, any applicant carries the burden of proving public convenience and necessity before acquiring a certificate. (Presto Delivery Service, Inc., Decision No. 83726 dated November 19, 1974.) This burden balances the equation. If restriction of the definition of highway common carrier is either necessary or desirable, the Legislature must undertake this task. Under the best of circumstances, the distinction between highway common carriage and other carriage is nebulous (Talsky v PUC (1956) 56 Cal 2d 151). Thus the Commission has been invested with a broad discretion in the determination of this factual question. In the sound exercise of this discretion, this nebulous line is often traversed to best serve the public interest, which is the primary concern of the Commission.

If applicant has crossed the nebulous line to become a common carrier, the determination as to when this occurred is not significant. (See Frank L. Moore and Jerre R. Moore (1967) 67 CPUC 449 (Abstract.)) Shortly after being advised by the Commission staff that he may be approaching common carrier status, Cude consulted counsel and thereafter filed this application. There is nothing about this course of conduct or his prior operations which would affect Cude's fitness to hold a certificate. Contrariwise, he has shown a level of responsibility that could well be emulated by all permitted carriers. It would be unfair and inequitable to bar a permitted carrier from obtaining a certificate solely on the basis of prior uncertificated operations, where his frequency of operations increased to the point where he may have crossed the vague demarcation into common carrier territory. To find otherwise would mean that a permitted carrier could never be certificated, because if he had crossed over the line to common carrier status, he was unlawfully operating and thus unfit, if he had not crossed the line, he had not proved common carriage. In either event, under protestants' position, he would not be entitled to certification. We do not believe this result was contemplated by the Act, nor do we believe it to be equitable.

The primary purpose of the regulated competition permitted among California carriers is not to guaranty the security of an investment, nor to guaranty a return on capital, nor to establish a monopoly, but to assure the best service to the public and to protect the interests of the public. (See Presto Delivery Service, Inc. supra.) In this case, the evidence clearly shows that the shipping public, fairly represented by the twenty supporting witnesses of Cude,^{4/} will benefit from his services, if certificated. Further, these shippers all prefer applicant's

^{4/} See M and M Transfer Co., (1967) 67 CPUC 232, 242, 243.

services where he now competes with protestants, as the supporting shippers were generally dissatisfied with the services of whichever protestants they may have used.

The fact that applicant as a permitted carrier, is already competing with protestants, and is preferred by a representative sample of the shipping public, for various reasons, indicates the protestants are not offering a service adequate to meet the needs of the shipping public. In the case of Thompson Bros., Inc. (1972) 73 CPUC 195, 216, the applicant and protestants each produced 76 supporting witnesses. There, as in our case, applicant rendered a singular service to the shipping public. Though the 76 protestant-supporting witnesses testified to the adequacy of the existing service, the Commission found that protestants failed to provide a needed service. Based on the evidence adduced, we also find that protestants' services are inadequate and that public convenience and necessity would be best served by granting applicant the requested authority, as the shipping public will be supplied a preferred, more convenient, and more efficient service.

Since applicant is already a permitted carrier and is already competing with protestants, it is reasonable to infer that this competition shall continue and may result in a future diversion of traffic from protestants. On the other hand, perhaps the stimulus of competition may result in improved service by protestants and the diversion of traffic may be in the opposite direction. In any event, the potential diversion of traffic is so speculative as not to merit any consideration in a case where applicant is already competing with protestants. (See Tesi Drayage Co. (1970) 70 CPUC 24, 28.) This is particularly apropos where protestants fail to furnish any factual corroboration of their assertion that they will lose business and suffer economic woes if applicant were certificated. Since no change in traffic patterns or frequency would be generated by certification of applicant, there should be no appreciable effect, adverse or otherwise, on the environment.

Findings

1. Applicant is presently engaged in the transportation of varied commodities as a permitted highway contract carrier and radial highway common carrier.

2. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service. Applicant is qualified and fit to render the proposed service.

3. Applicant is apparently the only carrier to offer regular same day service in the 35-mile area.

4. Applicant proposes to render on-call service, with same day delivery within a 35-mile radius of his terminal and overnight delivery to all other points within the proposed area.

5. The certification of applicant will enable him to render a broader, more convenient, and more efficient service to his customers, both in intrastate and interstate commerce.

6. The existing carriers have provided less than adequate service in the proposed area.

7. The certification of applicant will not impair the ability of protestants to provide existing service to their customers.

8. The shipping public represented here desires applicant to render a broader and more efficient service, and prefers applicant's service to that of the protesting carriers.

9. The number of commodities transported by applicant is broad enough to be classified as general commodities.

10. Any potential diversion of traffic is speculative in nature and unproven.

11. Applicant's services fall within the statutory definition of highway common carriage.

12. Notice of the amended application appeared in the Federal Register on September 18, 1974.

13. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

14. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the amended 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 reflect the names of redesignated highways and roads and do not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

Edgar R. Cude, an individual, doing business as Active Trucking Service, 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.

ORDER ON REHEARING

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Edgar R. Cude, an individual, doing business as Active Trucking Service, authorizing him to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes 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 he accepts the certificate, he will be required, among other things, to comply with the safety rules administered by 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 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.

- (c) Applicant shall maintain his accounting records on a calendar year basis in conformance with 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 his 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, he shall make the appropriate tariff filings as required by General Order.

3. Decision No. 82748 dated April 16, 1974 is hereby revoked.

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

Dated at San Francisco, California, this 19th day of FEBRUARY, 1975.

I dissent:

William L. Sturgeon, Commissioner

William L. Sturgeon
President

William L. Sturgeon Jr.

Leonard L. Loe
Commissioners

Edgar R. Cude
(an individual)
doing business as
ACTIVE TRUCKING SERVICE

Edgar R. Cude, 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:

BETWEEN:

1. All points and places in the Los Angeles Basin Territory as described in Note A.
2. All points and places in the territory described in paragraph 1 above on the one hand, and the following on the other hand, serving all intermediate points on or within ten miles laterally of the named highways:
 - (a) The San Diego Territory as described in Note B, via Interstate Highways 5 and 15 (U.S. Highway 395), and State Highway 78.
 - (b) To Bakersfield, via Interstate Highway 5 and State Highway 99.
 - (c) Mojave, via Interstate Highway 5 and State Highway 14.
 - (d) Santa Barbara, via U.S. Highway 101 and State Highway 1.

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 salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates,

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cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

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. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
8. Logs.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

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10. 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 Avenue and its prolongation to the 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 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.

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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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APPENDIX B

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Commodities transported by applicant, listed by supporting shippers.

1. Angeles Metal Systems

Furring, studding, channel, screws, wire, cornerhead, nails, spikes, cartons, tools, display studs.

2. John K. Bice Co. Inc.

Merlon, texin, dyes, limestone, paint thinning compounds, silica, multrathane, mondur, plastic granules, clay, glass sparse, talc, daxad, cobalt aluminate, mica, cobalt, liquid plastics, whittings, stabaxol, baysoline, polymers, desmodur, resins, iron oxide, nilfoam, bica puff, collord, atomite, gamsparse, nilspar.

3. Chemical Products Corp.

Liquid plastics, cans and tops, paste resin.

4. B. F. Goodrich Co.

Mechanical hand tools, caulking, compound plastic material, adhesive cement, latex, paint, crude rubber.

5. Greer Hydraulics, Inc.

Steel caps, pressure regulators, tanks, wood block mounts, tubes, molds, rubber slabs, cylinders, iron, pumps, oil test equipment.

6. Inland Ryerson Construction Products

Plastic grounds, doors, pipe, conductors, studding, furring, channels, lathing, ribbing, eave troughs, nails, hangers, ferrules, caulking compound.

7. Kittell Muffler & Engineering

Steel exhaust mufflers, flextube.

8. Mi Lite Fluorescent Manufacturing Co.

Fluorescent lighting fixtures.

9. Okonite Co.

Copperwire, insulating tape.

10. Pacific Western Extruded Products

Plastic pipe, pipe fittings, sweeps.

APPENDIX B

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11. Pacific Wire Rope & Consolidated Co.
Steel wire rope, reel jacks, screwjacks, fittings.
12. Silmar
Liquid plastics, empty bins, benox pails, used pumps, resins.
13. Supergrate Open Steel Flooring
Steel foot walks
14. Textured Coatings of America
Paint, drums.
15. Ureadek, Int'l
Paint, varnish, urethane castings and others.
16. Usco Services
Plastics, film, dex, rubber hose, chemicals, carbon black, oil treatment compound, tape adhesive, mucilage, insulating tape, cleaning compound, fittings, vacuums, calculators, printed forms.
17. Wagner Electric Sales
Transformers, asbestos brake blocks, photo electric controls, hydraulic brake shoes.
18. Triple Quality Tool & Die
Steel stampings, coil steel.
19. Howard C. Fletcher - no longer in business
20. T.I.M.E. - DC - Interstate carrier
General commodities - interlining.