

Decision No. 85437

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of WARN BROS., INC. doing )  
 business as CRESCENT TRUCK LINES, )  
 a California corporation, for )  
 amendment of its certificate of )  
 public convenience and necessity )  
 as a highway common carrier so as )  
 to exclude batteries in specially )  
 designed steel racks transported )  
 between Anaheim, California and )  
 Fremont, California, and also to )  
 exclude the return of the empty )  
 steel racks. Such exclusion of )  
 batteries and racks to apply )  
 except when there is a prior or )  
 subsequent movement by motor, )  
 rail or water carrier. )

Application No. 56091  
 (Filed November 25, 1975)

O P I N I O N

Warn Bros., Inc., a California corporation, doing business as Crescent Truck Lines holds a certificate of public convenience and necessity as a highway common carrier. The certificate was issued by this Commission by Decision No. 84224, dated March 25, 1975, in Application No. 55154 and authorizes transportation of general commodities, with certain exceptions, between points and over certain routes generally from the Mexican-California boundary to Sacramento. The certificate was registered with the Interstate Commerce Commission in Docket No. MC 48205 (Sub No. 8).

The operating authority of applicant, both in intrastate and interstate commerce includes the right to transport batteries in specially designed steel racks between Anaheim and Fremont with the racks returning empty.

Applicant requests that the scope of its certificate be revised to exclude batteries in specially designed steel racks, and the return of the empty racks, between Anaheim and Fremont, except when shipments thereof have a prior or subsequent for-hire rail, motor or water carrier movement.

In support of its request, applicant alleges that for over ten years it has transported said commodities for General Motors Corporation between Anaheim and Fremont under a railroad rate. The railroad rate has been cancelled and applicant is now assessing a higher rail all-freight rate for the transportation. This traffic represents a substantial portion of applicant's revenues. It has been informed by the shipper that the traffic will be diverted from it unless the sought relief is granted.

The applicant, by Application No. 56092 filed contemporaneously with this application, proposes to perform the indicated transportation under the authority of its highway contract carrier permit at rates lower than the minimum rates prescribed by the Commission in order to retain the traffic. The application for deviation from minimum rates is contingent upon the Commission's grant of the request herein for elimination of the authority for such transportation from the carrier's certificate of public convenience and necessity. Copies of the application have allegedly been served on the California Trucking Association and other parties who may have an interest in this matter. Notice of the filing of the application was made in the Commission's calendar of December 1, 1975. No protests to the application have been received.

After consideration the Commission finds that the public convenience and necessity no longer requires the carrier's service for the transportation of the commodities herein involved and the application should be granted as requested. There are numerous

other highway common carriers available to perform the service. A public hearing is not necessary. The amendment to the carrier's certificate of public convenience and necessity authorized herein shall be contingent upon the grant of the deviation from the Commission's minimum rates requested in Application No. 56092 and shall be effective on the effective date thereof. By Application No. 56114, the carrier requested authority to acquire a certificate of public convenience and necessity from Golden West Freight Lines. The Commission's interim order in that proceeding provides for the issuance of an interim certificate. When the in-lieu certificate is issued, the authority granted herein shall be incorporated therein.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 84224 is amended by incorporating therein First Revised Page 2, attached hereto and by this reference made a part hereof, in lieu of Original Page 2.


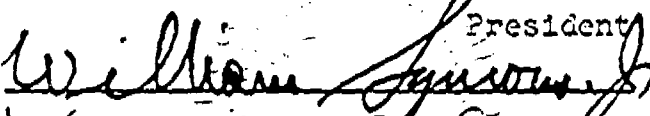
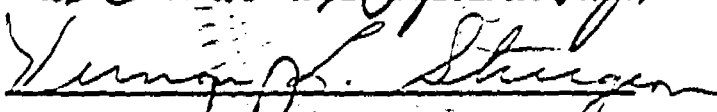

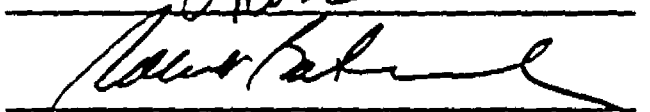
2. Within sixty days after the effective date hereof and on not less than five days' notice to the Commission and to the public, applicant shall amend its tariffs presently on file with the Commission to reflect the authority herein granted.

3. The authority granted herein shall become effective concurrently with the effective date of the tariff amendments required by ordering paragraph 2 hereof. In the event Application No. 56092 is denied, this order shall be null and void.

A. 56091 - HK

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of  
February, 1976.

  
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President  
  
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Commissioners

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, 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-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- \*7. Batteries in specially designed steel racks between Anaheim and Fremont and return of the empty racks except shipments of batteries or returning empty batteries or battery racks which have a prior or subsequent for-hire rail, motor or water carrier movement.

Issued by California Public Utilities Commission.

\*Amended by Decision No. 85437, Application No. 56091.