

Decision No. 87753 AUG 23 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ANELLO TRUCKING CO., a California corporation, for an extension of its Certificate of Public Convenience and Necessity, authorizing the transportation of general commodities between certain points.

Application No. 55838
(Filed July 28, 1975)

E. H. Griffiths and Michael C. Leiden, for applicant.
Handler, Baker & Greene, by Daniel W. Baker, Raymond A. Greene, and William A. Taylor, Attorneys at Law, for Doudell Trucking Company and Associated Freight Lines; Dunne, Phelps & Mills, by James O. Abrams, Attorney at Law, for Delta-Lines, Inc.; and William F. Dalzochio, for California Freightways; protestants.

O P I N I O N

Public hearing was held before Administrative Law Judge O'Leary in Santa Clara on February 22, 23, and 24, 1977 and in San Francisco on April 4, 1977. The matter was submitted on May 9, 1977 with the filing of concurrent briefs.

Applicant is a highway common carrier transporting general commodities with the usual exceptions between all points within the San Francisco Territory pursuant to Decision No. 81549 in Application No. 53714. The authority set forth in Decision No. 81549 was registered with the Interstate Commerce Commission thereby authorizing operations in interstate and foreign commerce. Applicant also has permits authorizing service as a radial highway common carrier, dump truck carrier, and livestock carrier.

Applicant here seeks additional highway common carrier authority in intrastate, interstate, and foreign commerce as specifically set forth in Exhibit 1.

The application is protested by Doudell Trucking Company, Associated Freight Lines, Delta Lines, Inc., and California Freight Lines.

Applicant's proposed service would be on a daily basis Monday through Friday. Service would be provided on Saturday, Sunday, and holidays upon request. Applicant proposes to publish rates, rules, and regulations identical to those set forth in Minimum Rate Tariff 2 and such other minimum rate tariffs as may be applicable to the sought authority. Applicant maintains a terminal in San Jose. It operates 32 tractors, 20 van trailers, 63 flatbed trailers, 29 tank trailers, and 4 hopper trailers. As of December 31, 1976 applicant had assets totaling \$904,768 offset by liabilities of \$368,611 resulting in equity of \$536,157. Its net income after taxes for the year 1976 was \$153,199.

Representatives of eight shippers testified in support of the application. Two witnesses appeared on behalf of Almaden wines, one of the eight shippers supporting the application. The testimony of the shipper representatives discloses that they are all pleased with the service provided by applicant; however, none of the shippers utilize or propose to utilize applicant's service to points outside the San Francisco territory to such a degree that applicant cannot provide the service under its existing authority. One of the shippers supporting the application does not utilize applicant for shipments from San Francisco and Oakland port facilities to San Jose which shipments applicant is authorized to transport under its existing highway common carrier certificate.

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In view of the findings and order hereafter entered, it is not necessary to set forth the evidence presented by the protestants.

Findings

1. Applicant presently holds a certificate of public convenience and necessity authorizing operations within the San Francisco territory, and permits authorizing operations as a radial highway common carrier, dump truck carrier, and livestock carrier.

2. Applicant has failed to show sufficient traffic to be moving under its sought authority to establish and sustain the proposed operations.

3. Public convenience and necessity do not require the proposed service.

The Commission concludes that the application should be denied.

O R D E R

IT IS ORDERED that Application No. 55838 is denied.

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

Dated at San Francisco, California, this 23rd day of AUGUST, 1977.

*I dissent.
Authority should be granted - Applicant meets the financial willing and able test.
Robert Batminal*

William J. Brown President
Virginia L. Ferguson
Charles D. Howell
Paul J. DeBriek Commissioners