

ORIGINAL

Decision No. S9210 AUG 8 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
EVERETT REDFEARN, doing business as )  
REDFEARN TRUCKING, for an in lieu )  
Certificate of Public Convenience and )  
Necessity to operate as a Highway )  
Common Carrier in intrastate commerce, )  
and for a coextensive Certificate of )  
Registration for interstate and foreign )  
commerce, pursuant to the provisions of )  
Sections 1063 and 1064 of the Public )  
Utilities Code of the State of California.)

Application No. 57167  
(Filed March 24, 1977;  
amended October 11, 1977)

John L. Glovka, Attorney at Law, for applicant.  
Marvin Handler and Walter Walker, Attorneys at Law,  
for Bill Rackley Trucking, Inc., Steel Transporters  
of California, Frank's Trucking, Doudell Trucking  
Co., and Pete Kooyman Trucking, protestants.

O P I N I O N

Applicant is presently operating under a radial highway common carrier permit. It has operated as a for-hire carrier throughout most of California since 1951, hauling general commodities, including iron and steel. The original application requested a 10,000-pound minimum on shipments of iron and steel. An amendment to the application was filed on October 11, 1977 and two protestants (Delta Lines, Inc. and Lodi Truck Service) withdrew their objections to the application. The amendment advised that applicant was seeking a certificate of public convenience and necessity to operate as a highway common carrier of iron or steel; pipe or tubing, iron or steel; and pipe or tubing, iron or steel, wrought; in straight or

mixed loads with a minimum weight of 20,000 pounds. The area to be served includes the San Francisco Territory, Oakland, Pittsburg, and Stockton, to Sacramento and south to Modesto on Highway 99. Applicant also seeks to perform the service in interstate and foreign commerce and has forwarded a copy of the application to the Interstate Commerce Commission, for inclusion in the Federal Register.

Seven protests were filed and two were withdrawn. The five remaining protestants were represented at the hearings on November 9, 1977 and January 9, 1978 in San Francisco before Administrative Law Judge Fraser. Evidence was presented by the applicant and by two of the protestants.

The witness for applicant testified that he is currently transporting steel from Stockton Steel Fabricators in Stockton to various jobsites throughout the greater Bay Area. He filed this application to obtain authority to provide an expanded service for Stockton Steel Fabricators to transport steel from the docks to Stockton and from Stockton to various steel mills, with authority to handle steel on backhauls. All transportation is to be for Stockton Steel Fabricators. If applicant does not receive the requested certificate, some of the transportation for Stockton Steel Fabricators will have to be performed by other carriers, when the shipper favors applicant's service. He further testified that applicant has earned a profit in every year since 1951, when it started as a <sup>Regional</sup> highway common carrier.

Applicant operates out of a terminal and shop in Stockton with 14 power units, 9 van semitrailers, and 2 flatbed semitrailers. Applicant's balance sheet dated December 31, 1977 shows total assets of \$312,800, liabilities of \$70,240, and a net worth of \$242,560.

One shipper witness testified for the applicant. A vice president of Stockton Steel Fabricators testified as follows: He

is one of the owners of the business, which operates a facility of over 120,000 square feet in Stockton, with about 125 plant employees and 50 additional employees who handle work at varied jobsites. They design steel buildings and other structures, fabricate the steel for the construction, and transport it to the jobsites. Steel cannot be fabricated on the site because of space and equipment limitations. The shipper has been friendly with applicant's family for more than 25 years and favors applicant's service. He employs applicant now, whenever possible, and will use applicant to carry steel from the docks to his Stockton plant if applicant obtains its certificate. He has used other steel transporters who were not satisfactory. On one occasion a truck arrived several hours late with the steel while his company had a crane and a work crew standing by waiting for the delivery. This does not happen when the service is provided by the applicant. On cross-examination he stated that his company owns three tractors and 10 or 12 trailers, all specially designed to transport steel. He also uses Bill Rackley Trucking, Inc., one of the protestants, and other carriers on hauls out of the area of this application. Another company office in Hayward also fabricates steel and selects its own carriers. The witness emphasized that his company does sufficient business to keep its own trucks and several other carriers occupied.

Representatives from Frank's Trucking and Keep on Trucking (Steel Transporters of California) testified for the protestants. The former has been in business for more than 30 years and transports full loads of steel from the docks and other points almost exclusively, using 17 tractors and 21 flatbed trailers. The latter hauls iron and steel, exclusively, with shipments averaging 40,000 pounds in weight. Equipment used includes 8 tractors and 13 flatbed semitrailers designed to transport steel. The latter has transported steel for the Herrick Corporation, located in Hayward, which is the parent company of Stockton Steel

Transporters. Protestants emphasized that steel hauling has already attracted too many carriers for the limited number of shippers who require this type of service. Both protestants have equipment on hand which is not being used and move partially loaded trailers due to a lack of business.

It is inappropriate to grant a certificate to improve service to a single shipper.

Findings

1. Applicant is a general commodity carrier presently operating under authority of a radial highway common carrier permit.

2. Applicant has applied for authority to transport iron and steel in minimum loads of 20,000 pounds, as a certificated highway common carrier.

3. Applicant's supporting evidence was presented by a single shipper, who has been a close friend of applicant's family for many years.

4. Five carriers opposed the application and two of the protestants provided testimony and documentary evidence.

Based upon the evidence and the findings herein, we conclude that:

1. The public convenience and necessity do not require that the applicant be granted a highway common carrier certificate.

2. The application should be denied.

O R D E R

IT IS ORDERED that Application No. 57167 is denied.

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

Dated at San Francisco, California, this 8th day of AUGUST, 1978.

Robert B. ...  
President

...  
...

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.