

Decision No. 23920.

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of PUCKETT FREIGHT LINES, Ltd., for an order altering, and/or amending the permit granted by the Railroad Commission by Decision 14404, dated the 27th day of December, 1924, authorizing S. H. Thomas and C. A. Thomas, as co-partners doing business under the style of Thomas and Son Transfer Company to operate an automobile stage line for the transportation of freight between certain points.

(Application No. 17425.)

ORIGINAL

Henry E. Carter, for Applicant.

BY THE COMMISSION:

O P I N I O N

Puckett Freight Lines, Ltd., a corporation, has petitioned the Railroad Commission for an order authorizing it to extend service to Wilmington and San Pedro on its line as heretofore acquired from C. A. Thomas and S. H. Thomas, co-partners, by the provisions as contained in Decision No. 23531 on Application No. 17221, as decided March 23, 1931.

A public hearing on this application was conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

Applicant alleges that at present merchandise transported between Los Angeles and Wilmington and San Pedro is first transported to East San Pedro or Terminal Island, and to avoid the extra mileage and delay it is sought to deliver the Wilmington and San Pedro shipments direct and without transfer and additional hauling from East San Pedro or Terminal Island.

Shipments are now handled in some instances across the ferry from East San Pedro to San Pedro, a distance of about one mile, or around by way of the highway, a distance of approximately thirteen miles. This circuitous routing consumes from forty minutes to two hours, according to the route selected. Approximately an average of 30 tons daily is handled over the present route of applicant, of which amount 20 tons originates at or is destined to Wilmington and 1 ton originates at or is destined to San Pedro, the balance originating at or being destined to East San Pedro or Terminal Island.

From the evidence in this proceeding there appears a public convenience and necessity for the inclusion of Wilmington and San Pedro as intermediate points on the route to East San Pedro and Terminal Island from Los Angeles, the operation heretofore having been given to Wilmington and San Pedro by transfer after the haul to East San Pedro or Terminal Island would have been made.

No change will be made in the rates now applicable to Wilmington and San Pedro and the change proposed will not result in a merger or consolidation of the route with other lines now operated by applicant.

Although all interested parties were duly notified of the hearing on this application there was no protest against the granting of the application.

Packett Freight Lines, Inc., a corporation, is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to

the number of rights which may be given.

O R D E R

A public hearing having been held on the above-entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity requires the operation by Puckett Freight Lines, Inc., a corporation, of an automobile truck line as a common carrier of freight between Los Angeles and East San Pedro and Terminal Island, including Wilmington and San Pedro as intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same hereby is granted to Puckett Freight Lines, Inc., a corporation, subject to the following conditions:

1. The granting of this certificate and authority shall not be considered or construed as authority for the merging, joining or combining operative rights now owned by the applicant herein.
2. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof time schedules, covering the service herein authorized, in a form satisfactory to the Railroad Commission.
4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3rd day of August, 1931.

Clarence  
Leon Williams  
W. J. Am...  
W. B. L...  
Fred G. Stewart  
Commissioners.