

Decision No. 41175**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MILTON W. ZAMBONI, WILLIAM D. LIGHTFOOT)
 and JACK E. SHAVER, co-partners, doing) Application No. 28774
 business as ZLS TRUCKING, for a certifi-)
 cate of public convenience and necessity.)

O P I N I O N

Milton W. Zamboni, William D. Lightfoot and Jack E. Shaver, partners, doing business as ZLS Trucking, request a certificate authorizing the establishment of a highway common carrier service (1) for the transportation of lumber and certain lumber products (a) between Burney, and Big Bend, on the one hand, and Redding and Red Bluff, on the other hand, serving points intermediate to Burney, Big Bend and Redding (b) between Viola and Whitmore, on the one hand, and Redding and Red Bluff, on the other hand, serving points intermediate

(1) The term lumber and lumber products as used in the application herein as amended, is limited to include the following items:

Cross Arms, wooden, with or without riveted ends, and with or without wooden pins attached	Silo Material, wooden and fixtures
Heading	Stakes, plain, creosoted or plain
Honey Pox Lumber	Staves
Lath	Steps, pole (wooden)
Lumber	Stock, battery separator, machined viz.: grooved, furrowed or corrugated, not treated with caustic soda, asphaltum or other solution
Pencil Slats	Tank Material, wooden and fixtures
Pickets	
Piles	Ties, railroad
Pins, insulator cap	Timbers, mining, Timbers, rough
Pipe Material, wooden	Wedges, mine
Pipe, wooden	Plywood
Poles, plant, plain, creosoted or stained	Veneering
Poles, telegraph and telephone	Wainscoting
Posts	
Shakes	
Shingles	
Ship Knees	
Shook, box and crate	

to Viola, Whitmore and Redding; and (c) between Viola, Mineral and Manton, on the one hand, and Red Bluff and Redding, on the other hand, serving points intermediate to Viola, Mineral, Manton, and Red Bluff.

The proposed service would be rendered on an "on call" basis at the rates shown in the proposed tariff attached to the application as Exhibit A which appear to be not less than those prescribed in the Commission's outstanding minimum rate orders. Two trucks and two trailers would be used in performing the service which are especially designed and suited to carry lumber cargoes, being equipped with rollers for the purpose of assisting in the loading and unloading of freight.

As justification for the authority sought the application states in substance that there are many mills producing lumber and lumber products in the territory which applicants seek to serve; that these mills are not at this time served by any highway common carrier and that prior to the filing of the application one of the applicants contacted the mill owners in the districts that applicants seek to serve and that said owners informed him that the proposed service was desired.

Other highway common carriers in the field have waived protest to the granting of the application. After full consideration it is our conclusion and we find that public convenience and necessity require the establishment and operation of the proposed service. No public hearing is necessary.

Milton W. Zamboni, William D. Lightfoot and Jack E. Shaver are hereby placed upon 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, 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.

ORDER

An application therefor having been filed and the Commission being fully advised in the premises and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Milton W. Zamboni, William D. Lightfoot and Jack E. Shaver, partners, authorizing the establishment and operation of a service as a highway common carrier, as such term is defined in Section 2-3/4 of the Public Utilities Act, for the transportation of lumber and lumber products, viz:

Cross Arms, wooden, with or without riveted ends, and with or without wooden pins attached	Silo Material, wooden and fixtures
Heading	Stakes, plain, creosoted or plain
Honey Box Lumber	Staves
Lath	Steps, pole (wooden)
Lumber	Stock, battery separator, machined viz.: grooved, furrowed or corrugated, not treated with caustic soda, asphaltum or other solution
Pencil Slats	Tank Material, wooden and fixtures
Pickets	Ties, railroad
Piles	Timbers, mining, Timbers, rough
Pins, insulator cap	Wedges, mine
Pipe Material, wooden	Plywood
Pipe, wooden	Veneering
Poles, plant, plain, creosoted or stained	Wainscoting
Poles, telegraph and telephone	
Posts	
Shakes	
Shingles	
Ship Knees	
Shook, box and crate	

(1) between Burney and Big Bend and points intermediate to Burney and Big Bend and Redding, on the one hand, excluding Redding, and Redding and Red Bluff, on the other hand; (2) between Viola and Whitmore and points intermediate to Viola, Whitmore and Redding, on the one hand, excluding Redding, and Redding and Red Bluff, on the other hand; and (3) between Viola, Mineral and Manton and points intermediate to Viola, Mineral, Manton and Red Bluff, excluding Red Bluff, on the one hand, and Redding and Red Bluff, on the other hand.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following regulations:

- a. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicants shall establish the service herein authorized and comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify them by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Between Burney and Redding over U. S. Highway 299 and U. S. Highway 99, and over the County Road between Big Bend and Hillcrest. Over California Route No. 44 between Viola and Redding, and over the County Road between Whitmore and the junction of such County Road with California Route No. 44. Over California Route No. 36 between Mineral and Red Bluff and the County Road between Viola and said California State Route No. 36 and over the County Road between Manton and said California State Route

No. 36. Over U. S. Highway 99 between
Redding and Red Bluff.

The effective date of this order shall be 20 days from
the date hereof.

Dated at San Francisco, California; this 28th
day of January, 1948.

R. F. [Signature]

[Signature]

[Signature]

[Signature]
COMMISSIONERS