

ORIGINAL

Decision No. 46717

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MABEL R. GLASS, dba GLASS TRANSPORTATION)
CO., for a certificate to operate an)
automobile freight service between the)
San Francisco Bay area including King City)
and intermediate points on the one hand,)
from and to the area from Santa Margarita)
to the south edge of King City on the)
other hand, including inter city freighting)
in this latter area over specified routes,)
serving certain intermediate and certain)
off-route points.)

Application No. 32721

Lawton D. Champion, by Thomas D. Quinn, for applicant.
Lowell E. Christie for California Motor Express, Ltd., and
Frederick E. Fuhrman for Southern Pacific Company and
Pacific Motor Trucking Company, interested parties.

O P I N I O N

Mabel R. Glass herein requests a certificate of public convenience and necessity authorizing operations as a highway common carrier for the transportation of general commodities except uncrated new furniture and household goods, and liquid petroleum products in tank trucks, between San Francisco, Richmond, King City, and intermediate points, on the one hand, and King City, Santa Margarita, and intermediate points, excluding King City, on the other hand, and locally between all points and places between King City and Santa Margarita, excluding King City.

Public hearings were held before Examiner Gillard in San Francisco, Salinas and Paso Robles and the matter submitted on December 10, 1951. Highway common carriers operating between the territories involved were notified of these proceedings, but none protested the application or presented any evidence herein.

Applicant and her predecessor, Carl B. Glass, have been in business as a highway carrier under the name of Glass

Transportation Co. since 1916, and for a greater portion of that time the operation has been conducted between the areas mentioned above. Applicant assumed the business in her own name in 1937.

The operation is conducted with terminal facilities in Paso Robles, San Jose and San Francisco, and an agency station in Salinas. Line haul equipment departs from San Francisco and Paso Robles at 5 P. M. and deliveries are commenced at 8 A. M. the following morning. Nine pieces of equipment are used, and five persons are employed to operate the business.

Gross receipts were \$27,644 in 1949, \$31,241 in 1950 and \$31,219 for the first 10 months of 1951, during which period the net was \$3,477. A balance sheet as of August 27, 1951, discloses assets of \$14,751 and net worth amounting to \$2,681.

The public witnesses testified without reservation as to the excellence of applicant's service. Overnight delivery without loss or damage occurs, it was testified, on all shipments. Special deliveries to particular places as designated by the consignee are made; telephone calls from Paso Robles to San Francisco in an afternoon will invariably (if the consignor can produce the goods) secure delivery by applicant the following morning. Testimony by representatives of large and well known Bay area shippers discloses that approximately 90 per cent of their shipments to points south of King City to and including Santa Margarita are moved, mostly at consignee request, by applicant. They also testified that applicant's pickup service was quite adequate and her method of handling and protecting the freight was excellent.

The record fully establishes, and we so find, that public convenience and necessity require that this application be granted.

Mabel R. Glass doing business as Glass Transportation Co. is 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.

O R D E R

Public hearings having been held in the above-entitled proceeding, and the Commission upon the evidence received having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Mabel R. Glass authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 213 Public Utilities Code, for the transportation of general commodities except uncrated new furniture, uncrated household goods, and liquid petroleum products in tank trucks, between King City and Santa Margarita, excluding King City, and all intermediate points along U. S. Highway No. 101, and between all of said points, on the one hand, and San Francisco, Richmond, King City, and all intermediate points located on U. S. Highways Nos. 101, 101 By-pass between King City and San Francisco, and all intermediate points located on State Highways Nos. 9, 17 and 21 and U. S. Highways Nos. 50 and 40 between San Jose and Richmond, including the off-route point of Alameda, on the other hand.

(2) That in providing service pursuant to the certificate

herein granted, applicant shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days after the effective date hereof.
- b. Within 60 days after the effective date hereof, and on not less than 5 days' notice to the Commission and the public, applicant 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 timetables.
- c. Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

All highways mentioned in Paragraph (1) hereof; between the East Bay and San Francisco Peninsula: San Francisco-Oakland Bay Bridge, San Mateo Bay Bridge and Dumbarton Bridge; between U. S. Highway No. 101 and Milpitas: State Highway No. 9.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 5th day of February, 1952.

A. T. Davidson
PRESIDENT
Justus F. Coakley
Harold P. Hull
Harold P. Hull
Edw. E. Ruffell
COMMISSIONERS