

ORIGINAL

Decision No. 47146

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
VERNON WOODS, doing business as)
WOODS TRUCK LINE for a certificate of)
public convenience and necessity to)
operate as a highway common carrier)
between Sacramento, Grass Valley,)
Nevada City and certain intermediate)
points.)

Application No. 33236

Willard S. Johnson, for applicant.

O P I N I O N

Applicant requests a certificate of public convenience and necessity as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities, except commodities in bulk in tank trucks or tank trailers, commodities in mechanically refrigerated equipment, livestock and commodities injurious or contaminating to other lading,

(1) Between Sacramento and points and places within a radius of ten miles thereof, on the one hand, and, on the other hand, Grass Valley, Nevada City, points and places within a radius of five miles of Grass Valley and of Nevada City and intermediate points on California Highway 49 between Nevada City and Auburn but not including Auburn.

(2) Locally between all points on California Highway 49 between Nevada City and Auburn but not including Auburn and including also all points and places within a radius of five miles of Grass Valley and Nevada City, California.

In performing this service applicant proposes to operate over and along U. S. Highway 40 and State Highway 49. Authority also is needed to traverse all streets and highways as required

to serve points in the areas surrounding Sacramento, Grass Valley and Nevada City.

Public hearings were held before Commissioner Mitchell and Examiner Rowe in Sacramento on April 23, 1952, and in Grass Valley on April 24, 1952. Oral and documentary evidence was adduced and on the latter date the matter was duly submitted for decision.

Vernon Woods, doing business under the name of Woods Truck Line, has been operating under permits issued by this Commission for seventeen years. During six selected weeks from April 1951 to February 1952, this applicant served 38 consignors and 34 consignees and carried approximately 117,000 pounds of freight. The movement of freight is predominantly from Sacramento to the points along State Highway 49 but there is a substantial movement in the reverse direction. The application alleges that the applicant is doubtful of the exact scope of operations which may be performed under the permits now held, and that in view of the increasing public demand for his services he has concluded that a certificate authorizing his operations is required in order that these services may be perpetuated.

The only highway common carrier operating in the area, the Pacific Motor Trucking Company, although served with a copy of the application and notified of the time and place of hearing, failed to present any protest to the granting of the above-entitled application. In fact there was no appearance or opposition expressed by any common carrier. Eighteen public witnesses testified that their respective businesses needed the proposed service. According to the testimony of Mr. Woods fifteen additional public witnesses were available and had expressed a willingness to testify on behalf of applicant but in view of the failure of any interested persons to oppose the application their testimony was not presented.

Applicant's present equipment and operating experience assure satisfactory continuance of the existing service. In addition he is financially able to acquire any additional equipment and facilities which may be required by the expected increase of business which may be occasioned by reason of the granting of the requested operative rights. He proposes, with minor exceptions, to establish and assess rates and charges equivalent to the rates and charges required as minimum for such transportation in Highway Carriers' Tariff No. 2 issued by this Commission.

After considering all of the evidence of record herein we find as a fact that public convenience and necessity require the services of applicant as applied for.

Vernon Woods 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 in 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 as to the number of rights which may be given.

O R D E R

Application as above entitled having been filed, public hearings thereon having been held, the matter having been submitted, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Vernon Woods, doing business as Woods Truck Line, authorizing the establishment and operation of service as a highway common carrier (as such term is defined in Section 213 of the Public Utilities Code) for the transportation of general commodities, except commodities in bulk in tank trucks or tank trailers, commodities in mechanically refrigerated equipment, livestock and commodities injurious or contaminating to other lading;

(a) Between Sacramento and points and places within a radius of ten miles thereof, on the one hand, and, on the other hand, Grass Valley, Nevada City, points and places within a radius of five miles of Grass Valley and of Nevada City and intermediate points on California Highway 49 between Nevada City and Auburn but not including Auburn.

(b) Locally between all points on California Highway 49 between Nevada City and Auburn but not including Auburn, including also all points and places within a radius of five miles of Grass Valley and of said Nevada City, California.

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

(a) Within 30 days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.

(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 file in triplicate and concurrently make 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 over and along the following routes:

Over and along U. S. Highway 40 and State Highway 49.

Over and along any streets and highways in the named cities and to reach any points or places in the areas surrounding said cities within which applicant is herein authorized to render service.

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

Dated at San Francisco, California, this 13th day of May, 1952.

[Signature]
 PRESIDENT
Justin F. Craven
Harold Hule
Lawrence H. Potter
[Signature]
 COMMISSIONERS