

ORIGINALDecision No. 47804

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GEORGE C. WIEDEMAN and FERN P. WIEDEMAN,
 (Broomcris and Wiedeman) for a cer-
 tificate to transport property by auto
 truck as a common carrier between
 Barstow, Daggett, Yermo, Amboy and all
 points and places within ten miles of
 any said points, on the one hand, and
 Twenty-Nine Palms and the Marine Corps
 Field Artillery and Anti-Aircraft
 Training Center near Twenty-Nine Palms,
 on the other hand.

Application No. 33529

Turcotte & Goldsmith, by F. W. Turcotte, for
 applicant. Southern California Freight Lines, by
H. P. Merry and H. J. Bischoff, and Glanz and Russell,
 by Arthur Glanz, interested parties.

O P I N I O N

Applicant herein requests authority to operate as a highway common carrier for the transportation of property, with certain exceptions as set out in the application, between Barstow, Daggett, Yermo and Amboy and all points and places within a radius of ten miles of each of said points, on the one hand, and, on the other, the Marine Corps Field Artillery and Anti-Aircraft Training Center located approximately six miles northerly of the community of Twentynine Palms. It is proposed to conduct these operations over applicant's presently authorized routes to Amboy and thence via an unnumbered highway from its intersection with U. S. Highway No. 66 at Amboy, southerly to its intersection with

Adobe Road at Twentynine Palms, thence via Adobe Road northerly to the Center. Service is proposed between all points intermediate between Amboy and the Center, except the community of Twentynine Palms. No local service is proposed between Twentynine Palms and the Center, nor from, to or between Barstow, Daggett and Yermo, or any point or place within a radius of ten miles thereof.

Public hearings were held on August 26, 1952, at San Bernardino, and on August 27, 1952, at Twentynine Palms, before Examiner Syphers, during which time evidence was adduced and on the last-named date the matter was submitted. At the hearing the application was amended so as to incorporate the restriction against serving Twentynine Palms. Subsequent to this amendment, the other parties withdrew their appearances.

The testimony discloses that applicant is a partnership consisting of George C. and Fern P. Wiedeman, maintaining its principal place of business at 936 West Third Street, San Bernardino, California. It operates a wholesale produce business, but, in connection therewith, also operates a highway common carrier trucking service, the operating authority for which is set out in Decision No. 44229, dated May 23, 1950, in Application No. 30879.

The service proposed herein will be on call and any hauling is proposed to be on an overnight basis. The applicant intends to establish a terminal at Amboy and at the Center. There was introduced into evidence a list of the equipment of this applicant, as well as income and expense statements for the year 1951 and for the period January to May, 1952. Likewise,

there was introduced a balance sheet as of May 31, 1952.

The testimony disclosed that the aforementioned Center is presently under construction, and there is in immediate contemplation facilities for approximately 75,000 men, with future expansion being planned. In the construction thereof many materials are now being shipped to rail heads at the origin points applied for and from these points being hauled by truck to the Center. It is anticipated that after the construction is completed supplies will be hauled to the Center.

The rates proposed are those now published in Local and Proportional Freight Tariff No. 18-A, California P.U.C. No. 10, of Southwestern Motor Tariff Bureau, J. L. Beeler, Agent.

At the present time there is no common carrier service to this base from Amboy.

Upon this record we find that public convenience and necessity require that George C. Wiedeman and Fern P. Wiedeman, copartners doing business as Broomcrist and Wiedeman, establish and operate a highway common carrier service for the transportation of general commodities, with certain exceptions, between the points and over the routes as set out in the ensuing order. In all other respects the Commission finds that the application of this carrier should, and it will therefore, be denied.

George C. Wiedeman and Fern P. Wiedeman 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

Application as above entitled having been filed, public hearings having been held thereon, 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, authorizing operations as a highway common carrier as defined in Section 213 of the Public Utilities Code, be and it hereby is granted to George C. Wiedeman and Fern P. Wiedeman, copartners, doing business as Broomcrist and Wiedeman, for the transportation of general commodities with the following exceptions:

- a. Uncrated household goods
- b. Livestock
- c. Commodities in bulk
- d. Articles of extraordinary value
- e. Commodities injurious or contaminating to other lading
- f. Uncrated, unpacked, and unwrapped new furniture
- g. Dangerous explosives

between Barstow, Daggett, Yermo and Amboy and all points and places within a radius of ten miles of each of said points, on the one hand, and, on the other, the Marine Corps Field Artillery and Anti-Aircraft Training Center located approximately six miles

northerly of the community of Twentynine Palms, including all intermediate points between Amboy and the Marine Corps Field Artillery and Anti-Aircraft Training Center, except the community of Twentynine Palms.

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

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and time tables satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, George C. Wiedeman and Fern P. Wiedeman, copartners, doing business as Broomcrist and Wiedeman, shall conduct said highway common carrier service between the following points and over the following routes:

Commencing at the intersection of an unnumbered highway with U. S. Highway No. 66 at Amboy, thence southerly via said unnumbered highway to its intersection with Adobe Road at Twentynine Palms, thence via Adobe Road northerly to the Marine Corps Field Artillery and Anti-Aircraft Training Center, returning via the same route.

(3) The authority granted herein shall be an enlargement and extension of applicant's present operating authority under

Decision No. 44229, dated May 23, 1950, in Application No. 30879.

In all other respects the application is hereby denied.

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

Dated at San Francisco, California, this 7th day of October, 1952:-

R. J. [Signature]
 President

Justus J. [Signature]

[Signature]

[Signature]

 Commissioners