

# ORIGINAL

Decision No. 49392

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 LAD'S FURNITURE FREIGHT, INC., for )  
 a certificate of public convenience )  
 and necessity to operate as a highway )  
 common carrier of blanket wrapped )  
 furniture and related commodities )  
 between points and places in portions )  
 of Los Angeles, San Bernardino, )  
 Riverside, Orange, and San Diego )  
 Counties. )

Application No. 33523

Glanz & Russell, by Ernest F. Shelander, for  
 applicant. Turcotte and Goldsmith by F. W. Turcotte,  
 for Pixley Transportation, interested party.

## OPINION ON REHEARING

By Decision No. 48491, dated April 14, 1953, in  
 Application No. 33523, Lad's Furniture Freight, Inc. was granted  
 a certificate of public convenience and necessity authorizing  
 the transportation of blanket-wrapped new household furniture,  
 blanket-wrapped new office furniture and fixtures, and blanket-  
 wrapped new store furniture, between the Los Angeles Area, as  
 described therein, on the one hand, and the San Diego Area, as  
 described therein, on the other, via U. S. Highways 101, 101-A,  
 and 101 Bypass, and between the Los Angeles Area, on the one  
 hand, and, on the other, the Cities of San Bernardino, Redlands,  
 and Riverside, via U. S. Highways 66, 99, 60, 70 and 91, and  
 California Highways 14 and 18.

Under date of April 14, 1953, the applicant filed a Petition for Rehearing and Reconsideration, requesting that certain intermediate points be added to the authority granted by Decision No. 48491, supra. Under date of June 30, 1953, this Commission issued its order granting rehearing in the matter. The rehearing was held in Los Angeles on November 13, 1953, before Examiner Syphers, at which time the matter was submitted. At the rehearing no additional evidence was introduced, and the matter was submitted upon the statements of counsel for applicant and for Pixley Transportation, an interested party.

A review of this record discloses that public convenience and necessity require that Lad's Furniture Freight, Inc., a California corporation, be authorized to extend the operations granted by Decision No. 48491, supra, to the intermediate points as set out in the ensuing order:

Lad's Furniture Freight, Inc. 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.

ORDER ON REHEARING

Petition for Rehearing, as above entitled, having been filed, the Commission having issued an order granting rehearing, public hearing 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 the certificate of public convenience and necessity granted to Lad's Furniture Freight, Inc., a California corporation, by Decision No. 48491, dated April 14, 1953, in Application No. 33523, authorizing operations as a highway common carrier between the points and over the routes therein specified, be and it hereby is amended to authorize transportation to the following intermediate points:

- (a) The Cities of Whittier, La Habra and Brea, but not including any territory outside of the city limits of those cities.
- (b) All intermediate points on U. S. Highway 101 which are located south of the junction of U. S. Highway 101 and Newport Avenue.
- (c) All intermediate points on U. S. Highway 101 Alternate which are located south of the intersection of U. S. Highway 101 Alternate and the Santa Ana River.
- (d) All intermediate points on U. S. Highways 66, 99, 60 and 70 which are located east of State Highway 19 or Rosemead Boulevard.

(2) That the foregoing stated authority shall be in addition to and consolidated with applicant's existing operating

right as set out in Decision No. 48491, supra, and subject to all of the regulations and restrictions applicable thereto.

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

Dated at Los Angeles, California; this 1<sup>st</sup> day of December, 1953.

R. F. [Signature]  
President

Justus D. Caldwell

Bennett Patten

John E. [Signature]

Gene Higgins  
Commissioners