

Decision No. 50985**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EDW. P. WHITE, RICHARD I. PROSSER,)
 ANTHONY E. PERRY, MARIE C. BROWN,)
 and WILLIAM N. COEY, copartners doing) Application No. 35127
 business as C. A. WORTH & CO., for a)
 certificate of public convenience and)
 necessity to operate as a highway)
 common carrier.)

Edward M. Berol, Bertram S. Silver and Thomas P. Brown, for applicant.
Douglas Brookman, William Meinhold, Frederick E. Fuhrman, Willard S. Johnson and William E. Shuholm, for various carriers, protestants.
Russell Bevans, for Draymen's Association of San Francisco; Maurice A. Owens, for Draymen's Association of Alameda County; Norman R. Moon, for Loretz & Co.; Daniel W. Baker, Marvin Handler, Frank Loughran, Arthur D. Nearon, and Vaughan, Paul and Lyons by John G. Lyons, for various carriers, interested parties.

O P I N I O N

Applicants are one of the group of carriers whose problems precipitated the investigation designated by the Commission as Case No. 5535. Hearings were held on this application in connection with that case. Evidence of community growth and the resulting expansion of carrier operations, as developed in Case No. 5535, was found to apply to these applicants and to have materially influenced their activities. In addition, a hearing on this application alone was held before Examiner John Power in San Francisco on September 14, 1954. On that occasion applicants presented evidence covering the history, finances, equipment, facilities and personnel of their organization.

C. A. Worth founded this business in 1850. It remained in his family for 96 years. In 1946, upon the death of a grandson

of the founder, it was feared that the business might terminate. Five of the executives of Worth therefore formed a partnership to buy and operate it and are applicants here. Two appeared as witnesses. Mr. White had been with the firm for 41 years, 39 of them as operations manager. Mr. Prosser had been the principal accounting officer of Worth since 1933. Mr. White stated that for the entire period of his connection with this business, operations had been conducted between San Francisco and the East Bay. ✓

The financial evidence shows that applicants are in excellent condition. Operations have been profitable for all the years reported, 1949 to 1954 (partial). As of April 30, 1954 assets were \$103,563.70; liabilities were \$60,161.40; partnership capital was \$43,402.30.

All five partners are active in the business. In addition to them Worth uses 33 to 38 employees. Applicants have a terminal in San Francisco with an area of 24,000 square feet. Office, shop and dock facilities are available at that place. The fleet consists of 30 trucks, five tractors and five semitrailers.

Service is usually performed by direct delivery. Late-afternoon pickups are brought back to the dock and consolidated for following-morning delivery. If designated as urgent, even these are directly delivered.

Traffic exhibits reveal that more than 150 different commodities had been carried for the numerous customers served. Representatives of four of the customers testified in support of the application.

The evidence shows that applicants have the necessary financial ability, facilities, equipment, experience and personnel to undertake the proposed service. It further shows that the growth of the San Francisco-East Bay community has increased the over-all

requirements for common carrier service and has resulted in increased demand for applicants' services. Public convenience and necessity require that the application be granted. This grant will be on the condition, however, that applicants serve the whole of the San Francisco-East Bay Cartage Zone as established in Case No. 5535. Acceptance of the certificate herein granted will be construed as consent to this condition.

Applicants are 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 as to the number of rights which may be given.

O R D E R

Application having been filed and public hearings held thereon, and the Commission having considered the same and being of the opinion and finding that public convenience and necessity so require; therefore,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Edw. P. White, Richard I. Prosser, Anthony E. Perry, Marie C. Brown and William N. Coey, copartners doing business as C. A. Worth & Co., authorizing the establishment and operation of a service as a highway common carrier, as defined in

Section 213 of the Public Utilities Code, for the transportation of general commodities except petroleum products in bulk in tank vehicles, uncrated household goods, livestock and commodities of unusual value, between the points set forth in Appendix "A" attached hereto and by this reference made a part of this order.

(2) That in providing service pursuant to the authority herein granted, applicants may use any and all streets, roads, highways and bridges, and shall comply with the following service regulations:

- a. Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate herein granted.
- b. Within sixty days after the effective date hereof, and upon not less than five 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 by filing in triplicate, and concurrently making effective, tariffs satisfactory to the Commission.

The effective date of this order shall be February 1, 1955.

Dated at San Francisco, California, this 18th day of January, 1955.

John E. Mitchell
 President
Justin J. Calme
Paulo Intorcenna
William J. Spady
 Commissioners

LIMITS OF SAN FRANCISCO-EAST BAY CARTAGE ZONE

San Francisco-East Bay Cartage Zone includes that area embraced by the following boundary:

Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to So. Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; thence westerly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile north-easterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.

The foregoing description includes the following points or portions thereof:

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|-----------------|-------------------|----------------------|-----------------|
| Alameda | Elkton | Oakland Pier | San Leandro |
| Alameda Pier | Elmhurst | Ocean View | San Lorenzo |
| Albany | Emeryville | Piedmont | San Mateo |
| Baden | Ferry Point | Point Castro | San Pablo |
| Bay Farm Island | Fruitvale | Point Fleming | South San Fran- |
| Bayshore | Government Island | Point Isabel | cisco |
| Berkeley | Hayward | Point Molate | Stege |
| Bernal | Lawndale | Point Orient | Tanforan |
| Eristane | Lomita Park | Point Potrero | Treasure Island |
| Broadway | Melrose | Point Richmond | Union Park |
| Castro Valley | Millbrae | Point San Pablo | Visitacion |
| Colma | Mills Field | Richmond | Westlake |
| Daly City | Mt. Eden | Russell City | Winehaven |
| East Oakland | Oakland | San Bruno | Yerba Buena |
| El Cerrito | Oakland Municipal | San Francisco | Island |
| | Airport | San Francisco Inter- | |
| | | national Airport | |

APPENDIX "A" (Continued)

MAP SHOWING

LIMITS OF SAN FRANCISCO - EAST BAY CARTAGE ZONE

