

51351

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 FIELDS FREIGHT, INC., a California
 corporation, for a certificate of public
 convenience and necessity authorizing
 operations as a common carrier for the
 transportation of property by motor
 vehicle between Los Angeles and vicinity
 on the one hand and Santa Barbara on the
 other hand, and certain intermediate and
 off-route points.

Application No. 35725

Donald Murchison for applicant. Douglas Brookman for
 California Motor Express, Ltd., and California Motor
 Transport Company; E. L. H. Bissinger for Southern Pacific
 Company, Pacific Electric Railway Company and Pacific
 Motor Trucking Company; Gordon, Knapp & Gill, by Volney V.
 Brown, Jr., for Pacific Freight Lines and Pacific Freight
 Lines Express, protestants.
Robert P. Higgins for Higgins Trucks, Inc., and Carl A.
 Miller for Mission Drayage Service, interested parties.

O P I N I O N

Fields Freight, Inc., a California corporation, seeks
 authority to operate as a highway common carrier for the transporta-
 tion of general commodities ⁽¹⁾ between a described Los Angeles Area, ⁽²⁾
 Vernon, Inglewood, Los Angeles International Airport, Culver City and

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- (1) Exceptions are livestock, uncrated, unpacked and unwrapped new or used household goods, uncrated new furniture, uncrated stoves, uncrated refrigerators, commodities requiring special equipment, commodities in bulk, articles of extraordinary value, explosives, and commodities injurious or contaminating to other lading.
 - (2) The Los Angeles Area is described as follows: beginning at the intersection of Atlantic Boulevard and Firestone Boulevard, thence westerly along Firestone Boulevard and Manchester Avenue to La Brea Avenue, thence northerly along La Brea Avenue to Sunset Boulevard, thence easterly along Sunset Boulevard, Macy Street and the Ramona Freeway to Atlantic Boulevard, thence southerly along Atlantic Boulevard to point of beginning at Firestone Boulevard.

Burbank, on the one hand, and, on the other hand, points and places along U. S. Highways Nos. 101 and 101 Alternate from Goleta, on the north, to Thousand Oaks and Point Mugu, respectively, on the south, and points and places situated laterally within five miles of said highways between Goleta and Thousand Oaks along U. S. Highway No. 101 and between Goleta and Point Mugu along U. S. Highways Nos. 101 and 101 Alternate.

Applicant was incorporated in August, 1954, and its predecessor and principal stockholder is Harry T. Fields. He was issued a highway contract carrier permit in May, 1949, and a radial highway common carrier permit in April, 1953. The business has been in continuous operation between Los Angeles and Santa Barbara, beginning as a contract carrier for several Los Angeles metropolitan newspapers, and expanding to the transportation of numerous commodities as a radial highway common carrier.

The application having been protested, public hearings were held in Los Angeles and Santa Barbara before Examiner Mark V. Chiesa. Evidence, oral and documentary, having been adduced, the matter was submitted for decision.

Seventeen shipper witnesses testified for applicant, and ten exhibits were presented in support of the application. Exhibit No. 8, consisting of eleven pages, lists the kind of commodities transported, points of origin and destination, number of shipments and frequency of service for fourteen weekly periods beginning the fourth week of July, 1953, and ending with the first week of August, 1954. The evidence shows that applicant operates daily, Monday through Friday, servicing consignors and/or consignees situated principally in the described Los Angeles Area, and the named surrounding communities, on the one hand, and Thousand Oaks,

Oxnard, Ventura, Carpinteria, Santa Barbara and Goleta, on the other hand. Other points intermediate of Goleta and Camarillo are served less frequently. The commodities transported consist of clothing, piece goods, drugstore items, automobile parts or accessories, set-up paper boxes, plastic mouldings for toys, toys, bakery products or ingredients other than flour or sugar, frozen abalone, electronic equipment components, cut flowers and flower cuttings. In the fourteen weeks analyzed in Exhibit No. 8 applicant averaged approximately sixty-one shipments daily between the principal points proposed to be served.

The shipper witnesses testified that applicant renders for them a satisfactory service which they need and would continue to use if applicant is granted the certificate it seeks.

Applicant is owned, managed and operated by experienced personnel and the record shows that it is able and qualified to perform the transportation service as proposed. Its financial condition as of September 30, 1954, was as follows:

Total Assets	\$30,755.75	
Total Liabilities	<u>2,556.25</u>	
Net Worth		\$28,199.50
Represented by -		
Capital Stock Outstanding (257 Common Shares)	\$25,700.00	
Earned Surplus	<u>2,499.50</u>	\$28,199.50

For the first nine months of 1954 applicant's net operating profit was \$2,415.11.

Applicant's annual cash revenues have been as follows:

1949, \$ 3,815.64; 1950, \$14,860.27; 1951, \$34,213.63; 1952, \$52,176.80; 1953, \$79,572.85; 1954, \$53,439.02.

The decrease shown for the year 1954 was due to loss of newspaper accounts.

The protestants, by stipulation, presented evidence of certificated authority, and ability and willingness to perform a highway common carrier service such as proposed by applicant. There is no evidence that applicant's past or present operations have been detrimental to protestants' interests, nor that a denial of this application would result in any benefits to them or to shippers. It is apparent that applicant's proposed transportation service is a convenient and necessary one to a substantial portion of the public, and we so find. The application will be granted.

Fields Freight, Inc., a California corporation, 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 as to the number of rights which may be given.

O R D E R

Application having been filed and public hearings having been held in the above-entitled matter, the Commission being fully advised in the premises and 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 Fields Freight, Inc., a California corporation, authorizing it to establish and operate a service as a

highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of general commodities, except livestock, uncrated, unpacked and unwrapped new or used household goods, uncrated new furniture, uncrated stoves, uncrated refrigerators, commodities requiring special equipment, commodities in bulk, articles of extraordinary value, explosives, and commodities injurious or contaminating to other lading, between the Los Angeles Area, as hereinabove described, Vernon, Inglewood, Los Angeles International Airport, Venice, Culver City and Burbank, on the one hand, and, on the other hand, points and places along U. S. Highway No. 101 between Goleta and Thousand Oaks, both inclusive, and U. S. Highways Nos. 101 and 101 Alternate between Goleta and Point Mugu, both inclusive, and points laterally within five miles of the said portions of said highways.

(2) That in providing service pursuant to the certificate herein granted there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant 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, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Fields Freight, Inc., shall conduct said highway common carrier operations over and along the following described route or routes:

Between the authorized points situated in the County of Los Angeles and the authorized points situated in the Counties of Ventura and Santa Barbara, along U. S. Highways Nos. 101 and 101 Alternate.

(2) (c) - Continued -

For pickup and delivery service from and to authorized off-route points in the Counties of Ventura and Santa Barbara, and authorized points and places situated in the County of Los Angeles, any and all streets, roads or highways.

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

Dated at San Francisco, California,
this 19th day of APRIL, 1955.

William E. Mitchell
 President
James J. Cassel
Paulo Introcione
Walter Hooley

 COMMISSIONERS