

ORIGINAL

Decision No. 52027

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ELDEN L. HARRIS and MAX P. TENNEY)
 partners doing business as)
 MOORE'S TRUCK LINE, for a certificate)
 of public convenience and necessity)
 authorizing the transportation of)
 property between San Francisco,)
 East Bay points, and specified Contra)
 Costa County points.)

Application No. 36201

O P I N I O N

Elden L. Harris and Max P. Tenney are engaged in the transportation of property in California pursuant to permits issued them by this Commission.

They seek an order authorizing them to conduct service as a highway common carrier for the transportation of plumbing and heating tools and supplies, and household appliances generally between San Francisco and East Bay points to Martinez on the north and Antioch, Concord and Danville on the east.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

It appears that applicants possess the experience, equipment, personnel and financial resources to institute and maintain the proposed operation.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, the Commission finds that public convenience and necessity require that the application be granted. A public hearing is not necessary.

Applicants 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, such rights 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

The Commission has considered the application and representations filed herein, Now Therefore

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Elden L. Harris and Max P. Tenney, authorizing them to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points and over the routes as more particularly set forth in Appendix A attached hereto and made a part hereof.

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

- a. Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed upon notice that they will be required, among other things, to file annual reports of their operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

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 file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 11th day of October, 1955.

John E. Bostick
President

James S. Casner

Rowland H. Green

Walter D. Hooley

B. Hardy
Commissioners

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Elden L. Harris and Max P. Tenney, by the certificate of public convenience and necessity granted in the above-numbered decision, are authorized to transport:

1. Plumbers' Goods or Bathroom or Lavatory Fixtures as listed under that heading in Items Nos. 36560 through 37010 of Western Classification No. 75, Cal. P.U.C. No. 8, of George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27 and 41 thereto;
2. Boilers, Furnaces, Radiators, Stoves, Related Articles or Parts as listed under that heading in Items Nos. 4800 through 5470 of the above-referenced Western Classification on the date of issue thereof and in Supplements Nos. 27, 41 and 45 thereto; and
3. Building Metal Work, Including Roof Trimmings or Guttering or Ventilators as listed under that heading in Items Nos. 7395 through 8085 in the above-referenced Western Classification on the date of issue thereof and in Supplements Nos. 27, 40 and 41 thereto;
4. Conduits, Pipe, Smokestacks, Tubing or Fittings, Other Than Clay, Concrete or Earthen as listed under that heading in Items Nos. 13205 through 13755, in the above-referenced Western Classification on the date of issue thereof and in Supplements Nos. 27, 40 and 41 thereto;
5. Conduits, Drain Tile, Sewer Pipe, or Related Articles, Clay, Concrete or Earthen as listed under that heading in Items Nos. 13095 through 13200 in the above-referenced Western Classification on the date of issue thereof and in Supplement No. 40 thereto;

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6. Plumbers or Furnace Supplies or Parts, viz.: asbestos paper; brass, iron or steel plate or sheet; lead bars or pig; solder; packing, cloth and graphite combined; thermostats; air filters; mechanics hand tools; oakum; putty; cutting or threading oil; tanks (hot water storage);
7. Household Appliances, viz.: dishwashers; garbage disposal units; radios, television sets, phonographs and combinations thereof; household laundry machines, washing, drying or ironing; refrigerators; fans, exhaust or ventilating; and parts thereof,

between San Francisco and East Bay points situated between San Pablo and Hayward, via the San Francisco-Oakland Bay Bridge, U. S. Highway No. 40, and U. S. Highway No. 50 and between all such points, on the one hand, and, on the other,

- a. Points on State Highway 4 between its intersection with U. S. Highway No. 40 near Pinole and Antioch, including Pinole and Antioch and the off-route point of Martinez;
- b. Points on State Highway 24 between Oakland and Concord, including Concord; and
- c. Points on State Highway 21 between Walnut Creek and Danville, including Danville,

serving all intermediate points on the above-described routes and all off-route points within three miles laterally from such routes.