

Decision No. 52065**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Albert Borchard, )  
 doing business as General Trucking )  
 Service, for a certificate of pub- )  
 lic convenience and necessity to )  
 transport magazines, books, peri- )  
 odicals, advertizing material and )  
 items used in wrapping and baling )  
 such items over the public highways )  
 of the State of California, as a )  
 Highway Common Carrier. )

Application No. 35856

O P I N I O N

Albert Borchard is engaged in the transportation of property in California pursuant to permits issued by this Commission.

He seeks an order authorizing him to conduct service as a highway common carrier for the transportation of magazines, books, periodicals and advertising materials, generally between Los Angeles and Sacramento and intermediate points; San Diego and San Francisco Territory and intermediate points; Los Angeles and San Bernardino; Colton and Riverside; and points within Los Angeles Territory.

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

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 to the extent set forth in the ensuing order. It appears that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein. A public hearing is not necessary.

Applicant 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, such rights extend to the holder a full or partial monopoly of a class of business over 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 Albert Borchard, authorizing him 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 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, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed upon notice that he will be required, among other things, to file annual reports of his 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, applicant 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 11<sup>th</sup> day of October, 1955.

[Signature]  
President

Justin J. Casanova

Rochester [Signature]

[Signature]

[Signature]  
Commissioners

Decision No. 52065  
Dated 067-1-1-1955  
Application No. 35830

APPENDIX A

Albert Borchard, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport printed matter, viz.: books, magazines and periodicals; and newspaper or magazine display racks between:

- (1) Points within the Los Angeles Territory as defined in Item No. 270-3 of Minimum Rate Tariff No. 2.
- (2) Los Angeles, on the one hand, and Pomona, Ontario and San Bernardino, on the other hand.
- (3) Los Angeles, on the one hand, and Whittier, Santa Ana and San Diego, on the other hand.
- (4) Los Angeles, on the one hand, and Ventura, Santa Barbara, Santa Maria, San Jose, San Mateo, Oakland and San Francisco, on the other hand.
- (5) Los Angeles, on the one hand, and Bakersfield, Tulare, Visalia, Merced, Modesto, Stockton and Sacramento, on the other hand.

The authority set forth in Paragraphs Nos. (2), (3), (4) and (5) does not include the right to render service from, to or between intermediate points.

Applicant shall not establish through routes and joint rates, charges, and classifications as to the separate authorities hereinabove set forth in Paragraphs Nos. (1), (2), (3), (4) and (5).