

**ORIGINAL**

Decision No. 52094

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 DOUGLAS JOSEPH, ZETTA JOSEPH, )  
 IRVING B. JOSEPH, HUDSON JOSEPH, )  
 JESSIE T. JOSEPH, ROY JOSEPH and )  
 DONALD I. JOSEPH, Co-Partners, )  
 doing business as OWENS VALLEY )  
 FREIGHT LINES, to operate a highway )  
 common carrier service. )

Application No. 36426

O P I N I O N

Douglas Joseph, Zetta Joseph, Irving B. Joseph, Hudson Joseph, Jessie T. Joseph, Roy Joseph and Donald I. Joseph are engaged in the transportation of property in California pursuant to permits issued by this Commission.

They seek an order authorizing them to conduct service as a highway common carrier for the transportation of general commodities, with certain exceptions, between the City of Los Angeles, and points and places within 10 miles thereof, and the off-route point of Long Beach, on the one hand, and Bishop, Lone Pine, Independence, Big Pine and points and places within 5 miles of said points mentioned.

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 applicants possess the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein. 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 Douglas Joseph, Zetta Joseph, Irving B. Joseph, Hudson Joseph, Jessie T. Joseph, Roy Joseph and Donald I. Joseph, 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 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 18<sup>th</sup> day of October, 1955.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners

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Dated OCT 18 1955

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APPENDIX A

Douglas Joseph, Zetta Joseph, Irving B. Joseph, Hudson Joseph, Jessie T. Joseph, Roy Joseph and Donald I. Joseph, by the certificate of public convenience and necessity granted in the above-numbered decision, are authorized to transport the following commodities:

1. Groceries and Grocers' Supplies, as listed under that heading in Item No. 360 on Fifth Revised Page 38 of Minimum Rate Tariff No. 2.
2. Canned Goods and Other Articles, as listed under that heading in Item No. 610 on Eleventh Revised Page 47 of Minimum Rate Tariff No. 2.
3. Dairy Products, as listed under that heading in Items Nos. 14465 through 14620 of Western Classification No. 75, Cal. P.U.C. No. 8 of George H. Dumas, Agent, on the issued date thereof and in Supplement No. 27 thereto.
4. Cloth, Dry Goods and Fabrics, as listed under that heading in Items Nos. 12555 through 12885 of Western Classification No. 75, Cal. P.U.C. No. 8 of George H. Dumas, Agent, on the issued date thereof and in Supplements Nos. 27, 41 and 46 thereto.
5. Flour, empty milk cases, paper cups, ice cream coating, cooking oil, soap, cleaning, scouring and washing compounds, matches, electrical lamps, wrapping paper, paper dishes, paper napkins, tobacco cigarettes, chewing and smoking tobacco and fresh and frozen meats.

between:

Los Angeles, on the one hand, and Bishop, Lone Pine and Big Pine, on the other hand.

Such authority does not include the right to render service from, to or between intermediate points.