

Decision No. 52217

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOHN E. STAUDT and RICHARD THORNHILL,)
partners doing business as T & S)
MOTOR EXPRESS, for a certificate of)
public convenience and necessity)
authorizing transportation of property)
as a highway common carrier between)
various points in California.)

Application No. 36120

O P I N I O N

John E. Staudt and Richard Thornhill are engaged in the transportation of property in California pursuant to a permit 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, generally between San Francisco, Willits, Jenner, Napa and Upper Lake, and intermediate points.

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 John E. Staudt and Richard Thornhill, 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 7th day of November, 1955.

John E. Mitchell
President
Justus J. Adams
Robert J. Terrier
Montgomery
W. H. ...
Commissioners

Decision No. 52217
Dated NOV 7 1955
Application No. 36120

APPENDIX A
Page 1 of 2

John E. Staudt and Richard Thornhill, by the certificate of public convenience and necessity granted in the above-numbered decision, are authorized to transport the following commodities:

1. Canned Goods, as listed under that heading in Item No. 610 on 11th Revised Page 47 of Minimum Rate Tariff No. 2.
2. Drugs, Medicines or Toilet Preparations, as listed under that heading in Items Nos. 15185 through 15500 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto.
3. Automobile Parts or Accessories, as listed under that heading in Items Nos. 2810 through 3505 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto.
4. Alcoholic Liquors, Copper Wire and Wine.

between:

- (1) San Francisco, on the one hand, and points on State Highways 12 and 37 between Ignacio, Napa and Santa Rosa, on the other hand.
- (2) San Francisco and Willits and intermediate points via U. S. Highway 101.
- (3) San Francisco, on the one hand, and Adams, Whispering Pines, Middletown, Lakeport, Upper Lake, Kelseyville and Calistoga, on the other hand.

Decision No. 52217
Dated NOV 7 1955
Application No. 36120

APPENDIX A
Page 2 of 2

- (4) San Francisco, on the one hand, and Clear Lake, Clear Lake Highlands, Clear Lake Oaks, Lucerne, Clear Lake Park and Lower Lake, on the other hand.
- (5) San Francisco, on the one hand, and Guerneville, Monte Rio, Rio Nido, Forestville, Occidental and Sebastopol, on the other hand.

The authorities set forth in Paragraphs Nos. (1), (3), (4) and (5) hereof do not include the right to render service from, to or between intermediate points.

Applicants 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).