

Decision No. 52237**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 FRANK HAYASEIDA, an individual doing )  
 business as FRANK'S TRUCK SERVICE, for )  
 a certificate of public convenience )  
 and necessity to operate as a highway )  
 common carrier for the transportation )  
 of property. )

Application No. 36144

O P I N I O N

Frank Hayashida 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 general commodities, with certain exceptions, between San Francisco Territory, Sacramento and Los Angeles Basin Territory, and all 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 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 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 having considered the application and representations filed herein, Now Therefore

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Frank Hayashida, 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 Los Angeles, California, this 14th day of November, 1955.

E. M. [Signature]  
President  
Justin J. [Signature]  
Paul [Signature]  
William [Signature]  
R. Hardy  
Commissioners

Decision No. 52237  
Dated November 14, 1955  
Application No. 36114

APPENDIX A

Frank Hayashida, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport:

1. Canned Goods and other articles, as listed under that heading in Item No. 610 on 11th Revised Page 47 of Minimum Rate Tariff No. 2; paper, as listed under that heading in Items Nos. 35440 through 35771 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 and 47 thereto; waste materials, as listed under that heading in Items Nos. 44735 through 45305 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 and 46 thereto; fibreboard boxes, petroleum lubricating oil, in packages; iron or steel drums, iron or steel tin plate, sheet iron or steel cans, lift truck pallets, platforms or skids, soap, bar lead, and can tops, as listed under that heading in Items Nos. 9055 through 9110 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27 and 46 thereto; between Sacramento, on the one hand, and San Francisco, San Jose, Alameda, Oakland, Pittsburg, Stockton and Perkins, on the other hand.
2. Pears, fresh or green (not cold pack or frozen) and empty carriers returning between Walnut Grove and Modesto.
3. Sheet iron or steel cans, between Sacramento and Represa.
4. Tomatoes, fresh or green (not cold pack or frozen) and empty containers returning between Sacramento, on the one hand, and Davis, Woodland, Elk Horn, Elk Grove and Nicolaus, on the other hand.

The authority herein above set forth does not include the right to render service from, to or between intermediate points.