

ORIGINALDecision No. 52385

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 R. E. THARP, INC., a corporation,)
 for a certificate of public conven-) Application No: 36126
 ience and necessity to operate as)
 a highway common carrier for the)
 transportation of property.)

O P I N I O N

R. E. Tharp, Inc., a corporation, is engaged in the transportation of property in California pursuant to permits issued by this Commission.

It seeks an order authorizing it 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, all intermediate points with 25-mile laterals, and lumber and forest products from all points north of U. S. Highway 40 to all points south of U. S. Highway 40.

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 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 R. E. Tharp, Inc., a corporation, authorizing it 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 20th day of December, 1955.

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners

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APPENDIX A

R. E. Tharp, Inc., by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport:

1. Cotton; Jute Waste; Animal and Poultry Feed, as listed under that heading in Item No. 400 of Exception Sheet No. 1-S, Cal. P.U.C. No. 193, of J. P. Haynes, Agent, on the issue date thereof; Fertilizer, as listed under that heading in Items Nos. 535, 540 and 550 of Exception Sheet No. 1-S, Cal. P.U.C. No. 193, of J. P. Haynes, Agent, on the issue date thereof; between Chowchilla, on the one hand, and San Francisco, Oakland, Alameda, Visalia and points on U. S. Highway 99 between Los Angeles and Sacramento, both inclusive, on the other hand.
2. Cotton, between San Francisco, on the one hand, and Fresno and Bakersfield, on the other hand.

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