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Decision No. 52422

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
JOHN SHUBIN, JR., an individual,)	
doing business as LIVE STOCK TRANSPORT)	
CO., for a certificate of public con-)	
venience and necessity to operate as)	Application No. 35979
a highway common carrier of livestock)	
between various points and places in)	
California, pursuant to Section 1063)	
of the Public Utilities Code of the)	
State of California.)	

O P I N I O N

John Shubin, Jr., is a highway carrier engaged in the transportation of livestock in California pursuant to a permit issued by this Commission.

Applicant seeks an order authorizing him to conduct such service as a highway common carrier between all points in California.

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

It appears that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed operation.

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. 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 John Shubin, Jr., 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 and over the routes 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 28th day of December, 1955.

Eric E. Whitell
President
Justice D. Caswell
Royce L. ...
...

Commissioners

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John Shubin, Jr., by the certificate of public convenience and necessity granted in the above-numbered decision is authorized to transport livestock from, to and between all points on or within 50 miles laterally of the following routes:

- (1) U.S. Highways 101 and 101-Alternate between the Mexico-California boundary line and the Oregon-California State line
- (2) U.S. Highway 99 between Mexico-California boundary and Sacramento
- (3) U.S. Highways 99-W and 99-E between Sacramento and Red Bluff
- (4) U.S. Highway 99 between Red Bluff and the Oregon-California State line
- (5) U.S. Highway 97 between Weed and Dorris
- (6) U.S. Highway 80 between San Diego and the Arizona-California State line
- (7) U.S. Highways 60-70 between Los Angeles and the Arizona-California State line
- (8) U.S. Highway 66 between Los Angeles and Needles
- (9) U.S. Highways 91 and 466 between Barstow and junction with the Nevada-California State line
- (10) California State Highway 127 between Baker and the California- Nevada State line
- (11) U.S. Highway 395 between San Bernardino and its junction with the Nevada-California State line
- (12) U.S. Highway 6 between Los Angeles and Benton Station

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- (13) U.S. Highway 50 between San Francisco and the Nevada-California State line
- (14) U.S. Highway 40 between San Francisco and the Nevada-California State line
- (15) U.S. Highway 395 between the Oregon-California State line and the Nevada-California State line