

Decision No. 52507**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 JACK BETTENCOURT and FRANK BETTENCOURT, )  
 doing business as BETTENCOURT BROS., )  
 a partnership, for a certificate of ) Application No. 36327  
 public convenience and necessity to )  
 operate as a highway common carrier )  
 of property. )

O P I N I O N

Jack Bettencourt and Frank Bettencourt are engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicants seek an order authorizing them to conduct service as a highway common carrier for the transportation of livestock and all commodities moving in bulk in tank trucks, except liquid petroleum products, explosives, and articles of excess value between all points and places in California over designated routes.

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 Jack Bettencourt and Frank Bettencourt, authorizing them to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of livestock 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, 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 ten 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 23<sup>rd</sup> day of January, 1956.

Walter E. Mitchell  
President

Justin J. Calmes

Ralph J. Kerner

Matthew D. Daley

B. Hardy  
Commissioners

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Jack Bettencourt and Frank Bettencourt, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport livestock between the points hereinafter described, including all intermediate points, with the right to serve off-route points within 50 miles of said routes.

- (1) U. S. Highway 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 line and the Oregon-California State line.
- (3) U. S. Highways 99W and 99E between Sacramento and Red Bluff.
- (4) U. S. Highway 97 between Weed and Dorris.
- (5) U. S. Highway 395 between San Diego and the Nevada-California State line.
- (6) U. S. Highway 395 between Nevada-California State line and the Oregon-California State line.
- (7) U. S. Highway 299 between Alturas and Redding.
- (8) U. S. Highway 36 between Johnstonville and Red Bluff.
- (9) U. S. Highway 40-A between Hallelujah Junction and Marysville.
- (10) U. S. Highway 40 between Nevada-California State line and Berkeley.
- (11) U. S. Highway 50 between Nevada-California State line and San Francisco.

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- (12) State Highway 152 between U. S. Highway 99 Junction and Gilroy.
- (13) State Highway 41 between Yosemite and Paso Robles.
- (14) State Highway 198 between Three Rivers and San Lucas.
- (15) State Highway 63 between Auckland and Tulare.
- (16) State Highway 65 between Bakersfield and General Grant.
- (17) State Highway 190 between Tipton and Springville.
- (18) U. S. Highway 466 between Famoso and Cholame.
- (19) State Highway 33 between U. S. Highway 99 Junction and Coalinga.
- (20) State Highway 166 between U. S. Highway 99 Junction and U. S. Highway 101 Junction.
- (21) U. S. Highway 466 between Bakersfield and Nevada-California State line.
- (22) U. S. Highways 60-70 between Los Angeles and California-Arizona State line.
- (23) U. S. Highway 6 between Los Angeles and Nevada-California State line.
- (24) U. S. Highway 66 between Barstow and Arizona-California State line.
- (25) State Highway 71 between Pomona and U. S. 395 Junction.
- (26) U. S. Highway 80 between San Diego and California-Arizona State line.