

**ORIGINAL**Decision No. 52512

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 J. A. NEVIS TRUCKING, INC., a cor- ) Application No. 35493  
 poration, for a certificate of pub- )  
 lic convenience and necessity. )

O P I N I O N

J. A. Nevis Trucking, Inc., is engaged in the transportation of property in California pursuant to permits and certificates of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of additional commodities such as chemicals and aluminum products between points which it is presently authorized to serve as a certificated carrier. It is further requested that certain weight restrictions be removed and in some case lowered between the points which it is presently authorized to serve.

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. It appears that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed operation. The weight restrictions will be removed entirely. 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 in the place and stead of its existing operating authority a certificate of public convenience and necessity is granted to J. A. Nevis Trucking, Inc., 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 and over the routes as more particularly set forth in Appendix A attached hereto and made a part hereof.

(2) That the operative rights granted by Decision No. 49481 dated December 21, 1953, in Application No. 34268 and as amended by Decision No. 49542 dated January 12, 1954, in Application No. 34268 are hereby revoked.

(3) 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 it will be required, among other things, to file annual reports of its 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, 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 23<sup>rd</sup> day of January, 1956.

John E. Mitchell  
President

James J. Cannon

Paul W. [unclear]

[unclear]

[unclear]  
Commissioners

Decision No. 52512  
Date JAN 23 1956  
Application No. 35493

APPENDIX A  
Page 1 of 2

1. J. A. Nevis Trucking, Inc., by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport:

- (1) Iron, steel, iron and steel articles, tin plate and empty carriers and pallets, returning.
- (2)(a) Roofing, building and paving materials, (b) waste paper, waste paperboard, waste pulpboard, waste fibreboard and waste rags, (c) lumber and forest products, (d) brick, fire clay, clay and clay products, including tile mortar and sand, and (e) petroleum and petroleum products, in packages.
- (3) Machinery and machinery parts, as described under that heading in Western Freight Classification (which when referred to now and hereafter means Western Freight 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), Items Nos. 27145 through 31920.
- (4) Machinery, viz.: (a) Generators or motors, or parts thereof, or generators and engines or motors combined, (b) annealing covers, (c) outfits, bridge builders', contractors' or graders', as described in Western Freight Classification, Items Nos. 34755 through 34780.
- (5) Chemicals as described in Western Freight Classification as follows: (a) Under the heading of acids in Items Nos. 50 through 220; (b) under the heading of chemicals in Items Nos. 9955 through 12030; (c) fertilizing compounds (manufactured fertilizer), liquid or dry; (d) tree or weed killing compounds, liquid or dry.

Decision No. 52512  
Date JAN 23 1956  
Application No. 35493

APPENDIX A  
Page 2 of 2

- (6) Alloys and aluminum, as defined in Western Freight Classification under those headings in Items Nos. 1420 through 1792.

2. The aforementioned commodities may be transported from, to and between all points on or within 25 miles of:

- (1) U. S. Highway 101 and U. S. Highway 101 By-Pass, between Santa Rosa, on the north, and Santa Ana, on the south;
- (2) U. S. Highway 99 from North Sacramento, on the north, to Colton, on the south;
- (3) State Highway 1 from San Francisco to Monterey;
- (4) State Highway 4 from Pinole to Stockton;
- (5) U. S. Highway 40 from San Francisco to Sacramento;