

ORIGINAL

Decision No. 52549

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
ROBERT F. HARDING, an individual,)
doing business as HARDING'S FREIGHT)
SERVICE, for a certificate of public)
convenience and necessity to operate)
as a highway common carrier of)
limited commodities between various)
points and places in Southern)
California, pursuant to Sections 1063 -)
1064 of the Public Utilities Code.)

Application No. 35976

O P I N I O N

Robert F. Harding is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of motor vehicle engines and motor vehicle and tractor parts and accessories, generally between San Diego, Escondido, Fallbrook, Pala and 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. It appears that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed operation. 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 Robert F. Harding, 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 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 Los Angeles, California, this 31st day of January, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners

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Dated JAN 31 1956
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APPENDIX A

Robert F. Harding, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport the following commodities:

1. Automotive Parts or Accessories, as listed under that heading, in Items Nos. 2810 through 3505 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, 46 and 47 thereto.
2. Machinery or Machines, or Parts named, as listed under that heading, in Items Nos. 28685 through 28735; 31480 through 31602 and 31895 through 31920 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46 and 47 thereto.

between:

- a. San Diego, California and Fallbrook, California via U. S. Highway 395 to junction with California Highway 78 at Escondido; thence via California Highway 78 to Vista; thence via County Road HC 1-3 to junction California Highway 76 approximately 5 miles north of Vista; thence via California Highway 76 to Bonsall; thence via County Road HC 1-3 to Fallbrook and return over same route.
- b. San Diego, California and Pala, California via U. S. Highway 395 to junction with County HC-19 at Escondido; thence via County Road HC-19 to Valley Center; thence via County Road HC-19 to junction with California Highway 76 at Rincon Springs; thence via California Highway 76 to Pala; thence via California Highway 76 to Junction with U. S. Highway 395; thence via U. S. Highway 395 to San Diego.
- c. All intermediate points on the above-described routes, and all off-route points within a radius of one mile from said routes, and between said terminal, off-route and intermediate points.