

Decision No. 52558**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GARIBALDI EQUIPMENT)
 CO., INC., a corporation, for a)
 certificate of public convenience)
 and necessity to operate as a high-) Application No. 36169
 way common carrier of livestock)
 between various points and places)
 in California.)

O P I N I O N

Garibaldi Equipment Co., Inc., is engaged in the transportation of property in California pursuant to permits issued it by this Commission and pursuant to Commission authority it has now acquired operative rights as a highway common carrier of livestock.^{1/}

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of livestock between all points and places in the State of California.

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 as set forth in the ensuing order. 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. The operative rights as a highway common carrier covering lesser territory but included in the territory sought by this application will be cancelled.

^{1/} Decision No. 52124, dated October 25, 1955, in Application No. 37205.

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 Garibaldi Equipment Co., Inc., authorizing it 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, 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 keep its books in accordance with the uniform system of accounts prescribed by the Commission, 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.

(3) That the certificate of public convenience and necessity issued to applicant's predecessor by Decision No. 44523, dated July 11, 1950, in Application No. 30945, and acquired by applicant pursuant to Decision No. 52124, dated October 25, 1955, in Application No. 37205 is cancelled and revoked effective upon applicant's acceptance of the certificate granted in ordering paragraph No. (1)

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.

John E. Mitchell
President
Justin D. Greene
Paul W. [unclear]
[unclear]
[unclear]
Commissioners

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APPENDIX A

The certificate of public convenience and necessity granted to Garibaldi Equipment Co., Inc., a corporation, by the above-numbered decision, authorizes it 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. 101, 101 By-Pass and 101A between Oregon-California and Mexico-California boundary lines.
2. U.S. 99, 99E and 99W between Oregon-California and Mexico-California boundary lines.
3. U.S. 299 between Arcata and Alturas.
4. U.S. 395 between San Diego and State line north of Coleville.
5. U.S. 395 between Nevada-California State line south of Purdy and Oregon-California State line north of Pine Creek.
6. U.S. 40 between San Francisco and the Nevada-California State line.
7. U.S. 50 between San Francisco and the Nevada-California State line.
8. U.S. 6 between Los Angeles and the Nevada-California State line.
9. U.S. 66 between Los Angeles and the Arizona-California State line.
10. U.S. 91 between Barstow and the Nevada-California State line.
11. U.S. 60-70 between Los Angeles and the Arizona-California State line.
12. U.S. 80 between San Diego and the Arizona-California State line.
13. U.S. 466 between Paso Robles and Barstow.