

ORIGINALDecision No. 52559

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ROBERT PIERI, an individual doing)
 business as C-LINE EXPRESS for a)
 certificate of public convenience)
 and necessity to operate as a high-)
 way common carrier between Oakland,)
 St. Helena, Mare Island, Benicia)
 and intermediate points.)

Application No. 36365

O P I N I O N

Robert Pieri is engaged in the transportation of property in California pursuant to a permit issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities between Oakland, Saint Helena, Benicia, Mare Island, and all points intermediate thereto, and between said 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 to the extent set forth in the ensuing order.

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

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

1. Drugs, medicines or toilet preparations, as listed under that heading in Items Nos. 15185 through 15500 of Western Classification No. 75, Cal.P.U.C. No. 8, of George H. Dumas, agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto;
2. Tools or parts, as listed under that heading in Items Nos. 42110 through 43105 of Western Classification No. 75, Cal.P.U.C. No. 8, of George H. Dumas, agent, on the issue date thereof and Supplements Nos. 27, 41 and 47 thereto;
3. Glass, as listed under that heading in Items Nos. 21115, and 21250 of Western Classification No. 75, Cal.P.U.C. No. 8, of George H. Dumas, agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto;
4. Advertising matter, as listed under that heading in Items Nos. 225 through 330 of Western Classification No. 75, Cal.P.U.C. No. 8, of George H. Dumas, agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto;
5. Fertilizer, as listed under that heading in Items Nos. 535, 540 and 550 of Exception Sheet No. 1-S, Cal.P.U.C. No. 193 of J. P. Haynes, agent, on the issue date thereof;
6. Kalsomine; wallboard cement; wine; rags; tobacco; fresh or frozen meat; candy; prepared animal feed; iron brackets; linoleum, linoleum binding; composition flooring; floor wax;

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furniture polish; linseed oil; sand paper;
caulking compound; tobacco cigars; varnish;
rubber tire treads; mirrors; aluminum sash;
lard; iron or steel nails; wooden and steel
desk and chairs; paint; alcoholic liquors,
viz.: brandy; petroleum lubricating oil in
packages; cheese; dried fruit; asphalt
composition tile; plaster; tape, putty;
ladders; wallpaper; wallpaper sample books;
calendars; paint brushes; turpentine;
aluminum doors and frames; automobile wind-
shields; glue; glass blocks;

between:

Oakland, Berkeley and Richmond, on the one hand, and
Vallejo, Benicia and Napa, on the other hand.

Such authority does not include the right to render service
from, to or between intermediate points.