

ORIGINALDecision No. 5254S

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SPENCER TRUCK CO., a corpora-) Application No. 36081
tion, to operate a Highway Com-)
mon Carrier Service.)

O P I N I O N

Spencer Truck Co., a corporation, is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of general commodities with certain exceptions, generally between San Francisco and Fresno; Oakland East Bay area and Fresno; Stockton and Fresno; Fresno and Bakersfield, including points within a radius of 25 miles from Fresno.

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. 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 Spencer Truck Co., a corporation, 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 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 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 Los Angeles, California, this 14th day of FEBRUARY, 1956.

W. E. Mitchell
President
Justice J. Collins
Raymond W. Peterson
Marion J. Doolin
R. V. Hardy
Commissioners

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Spencer Truck Co., a corporation, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport:

1. Animal and Poultry Feed, as listed under that heading in Item No. 400 of Exception Sheet No. 1-S, Cal. P.U.C. No. 193, of J. P. Haynes, Agent, on the issue date thereof.
2. Chemicals, as listed under that heading in Items Nos. 9955 through 12030 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.
3. Machinery or Machines, or Parts named, as listed under that heading in Items Nos. 27145 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. 27, 41, 46 and 47 thereto.
4. Oils, not named in other more specific groups, as listed under that heading in Items Nos. 34160 through 34445 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.
5. Petroleum or Petroleum Products, in packages, including Compounded Oils or Greases having a petroleum base, as listed under that heading in Items Nos. 36390 through 36465 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 47 thereto.
6. Bagging; Wooden Boxes; Bonding and Sealing Cement; Perlite Products; Cleaning, Scouring and Washing Compounds; Asphalt; Carboys and Honey.

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Between:

(a) San Francisco, South San Francisco,
Berkeley and Oakland, on the one hand,
and Fresno, on the other hand.

(b) Fresno and Bakersfield.

7. Raisins between Fresno and Stockton.

Such operating authorities do not include the right
to render service to, from or between intermediate points.

Applicant shall not establish through routes and joint
rates, charges and classifications as to the separate authorities
hereinabove set forth in paragraphs (a) and (b).