

ORIGINAL

Decision No. 52757

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)	
RICHARD D. POPOVICH, dba DICK'S)	Application No. 36048
TRANSPORTATION, to operate a highway)	
common carrier service.)	

O P I N I O N

Richard D. Popovich 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 specific commodities generally between San Francisco, Stockton, Sacramento and Bakersfield including intermediate points and points within a distance of thirty miles laterally therefrom.

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 Richard D. Popovich, 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 San Francisco, California, this 13th day of March, 1956.

[Signature]
President

Justin J. Caserio

Ralph Waterman

[Signature]

[Signature]
Commissioners

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Richard D. Popovich, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport the following commodities:

1. Drugs, medicines and toilet preparations, as listed under that heading in Items Nos. 15180 through 15500 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. Stationery, as listed under that heading in Items Nos. 41203 through 41290 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. Dental, hospital or surgical supplies, as listed under that heading in Items Nos. 14765 through 14895 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. Rubber, artificial, guayule, natural, neoprene or synthetic, as listed under that heading in Items Nos. 36920 through 39775 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. Candy or confectionery, as listed under that heading in Items Nos. 8930 through 9030 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.
6. Cigars, cigarettes, snuff or manufactured tobacco, as listed under that heading in Items Nos. 12145 through 12180 of Western Classification No. 75,

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- Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto.
7. Tiling, facing or flooring, as listed under that heading in Items Nos. 41905 through 41978 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.
 8. Foodstuffs, beverages or beverage preparations, not named in other more specific groups, as listed under that heading in Items Nos. 18145 through 18948 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.
 9. Advertising matter, as listed under that heading in Items Nos. 225 through 330 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.
 10. Furniture, as listed under that heading in Items Nos. 20370 through 20470 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.
 11. Beverage liquors, as listed under that heading in Items Nos. 26330 through 26360 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.
 12. Animal or poultry dip; facial cleaning tissue; sanitary pads; absorbent cotton; cigar or cigarette lighting liquids or pastes; counter, show case or window display fixtures; electric batteries; bleach assistant compound; laundry bluing; soap; cleaning, scouring or washing compounds, non-alcoholic liquors

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electric sad irons; olive oil; glassware, other than cut; flavoring syrup; electric fans, glass bottles; and cutlery.

between

- A. San Francisco, on the one hand, and Livermore, Tracy, Stockton, Lodi and Sacramento, on the other hand.
- B. San Francisco, on the one hand, and points located on U. S. Highway 99 between Manteca and Bakersfield, both inclusive, on the other hand, including the off-route points of Riverbank, Escalon and Oakdale.
- C. San Francisco, on the one hand, and points located on State Highway 33 between Patterson and Maricopa, both inclusive, on the other hand, including the point of Los Banos.
- D. San Francisco, on the one hand, and points located laterally within 15 miles of U.S. Highway 99 between Fresno and Delano, both inclusive, on the other hand.
- E. Fresno, on the one hand, and points located on U.S. Highway 99 between Manteca and Bakersfield, both inclusive, on the other hand, including the off-route points of Riverbank, Oakdale, Escalon, Biola and Kerman.
- F. Fresno, on the one hand, and points located on State Highway 33 between Patterson and Maricopa, both inclusive, on the other hand, including the point of Los Banos.

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, B, C, D, E, and F.