

Decision No. 52758

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
H. F. REILLEY, dba CALIFORNIA FIRE- )  
PROOF STORAGE & STORAGE COMPANY, to )  
Operate a Highway Common Carrier )  
Service. )

Application No. 36037

O P I N I O N

H. F. Reilley is engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities, with certain exceptions, generally between Stockton and Sacramento; Stockton and Pittsburg; Stockton and Fresno; Stockton and points between Patterson and Dos Palos, Stockton and Peninsula points, and Stockton and Livermore, San Leandro, San Pablo and South San Francisco.

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 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 H. F. Reilley, 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 San Francisco, California, this 13<sup>th</sup> day of MARCH, 1956.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners

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H. F. Reilley, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport general commodities between:

- (1) Stockton, on the one hand, and points on U. S. Highway 99 between Sacramento and Fresno, both inclusive, on the other hand. Applicant shall not render intermediate service to, from or between Sacramento and Fresno.
- (2) Stockton, on the one hand, and points on State Highways 33 and 152 between Patterson and Los Banos, both inclusive, on the other hand. Applicant shall not render intermediate service to, from or between Patterson and Los Banos.
- (3) Stockton, on the one hand, and South San Francisco, Treasure Island, San Pablo, Plesanton and Livermore, on the other hand. Such authority does 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:

- (a) As to the operative authority granted pursuant to the provisions of Decision No. 46926, dated April 1, 1952, in Application No. 31722, and the authorities hereinabove set forth in numbers (1), (2), and (3) hereof.
- (b) As to said separate authorities above set forth at numbers (1), (2) and (3) hereof.

Applicant shall not transport any shipments of:

- (1) Used household goods and personal effects not packed in accordance with the crated

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property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.

- (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
- (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
- (5) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- (6) Commodities when transported in bulk in dump trucks or in hopper type trucks.
- (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.