

Decision No. 52759**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LONNIE CASE TRUCKING, INC., a)
 California corporation, (formerly)
 Lonnie Case, an individual doing) Application No. 35873
 business as Lonnie Case Trucking,)
 to operate a Highway Common Carrier)
 Service.)

O P I N I O N

Lonnie Case Trucking, Inc., formerly Lonnie Case, doing business as Lonnie Case Trucking, 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 exceptions, between most points in this State.

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 proposed operation. 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 Lonnie Case Trucking, Inc., 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 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 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 San Francisco, California, this 13th day of MARCH, 1956.

W. L. Mitchell
 President

James J. Casella

Raulo Intermune

Wm. J. Dooly

R. Hardy
 Commissioners

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APPENDIX A

Lonnie Case Trucking, Inc., by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport fruits, fresh or green (not cold pack or frozen), and vegetables, fresh or green (not cold pack or frozen), including mushrooms, between:

Points on or within 25 miles laterally of U. S. Highway No. 99 between Turlock and Wheeler Ridge, also points on or within 25 miles laterally of State Highway sign route No. 111 between Indio and Calexico, also Blythe and points within 25 miles thereof (for the transportation of melons only), all on the one hand; and

San Francisco Territory as defined in Item No. 270-3 series, Minimum Rate Tariff No. 2, Los Angeles Territory as defined in Item No. 270-3 series, Minimum Rate Tariff No. 2, and Stockton, on the other hand.

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

Applicant is authorized to render local service on the same commodities only between points on or within 25 miles laterally of U. S. Highway No. 99 between Turlock and Wheeler Ridge.