

ORIGINAL

Decision No. 52760

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
KENNETH D. RUDD, doing business as)	
RUDDWAY DRAYAGE to operate a highway)	Application No. 35841
common carrier service.)	
<hr/>	

O P I N I O N

Kenneth D. Rudd is engaged in the transportation of property in California pursuant to permits issued by this Commission.

He seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities, with certain exceptions generally between San Francisco, East Bay Points and San Jose and intermediate points and between San Francisco and Sacramento and intermediate points.

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 Kenneth D. Rudd, 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
MARCH 13th day of MARCH, 1956.

Paul E. Mitchell
President

Justus F. Calmes

Paul L. Interline

William J. ...

R. H. ...
Commissioners

Decision No. 52760

Dated ~~3/12~~ March 13, 1956

Application No. 35841

APPENDIX A

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

1. Acids, as listed under that heading in Items Nos. 50 through 215 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. 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. Electric Wiring Sockets; Electric Switches; Electric Lighting Fixtures; Transformers; Paint; Steel Pipe; Ammonia; Wire; Sulphur; Glue; and Linseed Oil.

between:

San Francisco and San Jose and intermediate points via U. S. Highways Nos. 101 and 101 By-Pass.