

Decision No. 52770

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of ARTHUR R. ALTNOW, doing business)	
as LODI TRUCK SERVICE, for a)	Application No. 36162
certificate of public convenience)	
and necessity to operate as a)	
highway common carrier.)	

O P I N I O N

Arthur R. Altnow is engaged in the transportation of property in California pursuant to permits and certificates of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing him to extend his service as a highway common carrier so as to transport general commodities, with certain exceptions, between all points he presently serves and Chico, Corning, Los Angeles Territory, San Diego and intermediate points.

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 having considered the application and representations filed herein, Now Therefore

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Arthur R. Altnow, 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.

(3) The operative right granted by Decision No. 46029, dated July 31, 1951, in Application No. 30287, is canceled simultaneously with the filings made pursuant to and required by the provisions of paragraph (2) hereof.

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.

John E. Kent
President

Justin Z. Cravens

Raymond J. Lutz

William J. Dooly

W. H. Harty
Commissioners

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Arthur R. Altnow by the certificate of public convenience and necessity granted in the above-numbered decision is authorized to transport general commodities as follows:

1. Between San Francisco Territory as defined in Item 270-3 of Minimum Rate Tariff No. 2, Rio Vista, Thornton, Locke, Terminous, Pinole, Pittsburg, Sacramento, Stockton, Wallace, Burson and Victor, via any or all of the following routes:

U. S. Highways 40, 50, 99, State Highways 4, 12, 24, 88, 104, and unnumbered connecting highways.

The right to render service to, from or between intermediate points is included. The right is also included to serve points laterally within three (3) miles of State Highways 12, 24 and 104, and connecting unnumbered highways between Rio Vista and Junction U. S. Highway 99 near Galt; and to serve points laterally within five (5) miles of U. S. Highways 50 and 99 between Stockton and Sacramento.

2. When point of origin or destination is a point authorized to be served in paragraph 1 above, service may be performed to or from the following military installations: McClellan Air Force Base, near Sacramento; Mather Field, near Sacramento, Sharp General Depot at Lathrop; and Sharp General Depot Annex at Lyoth.
3. Between Thornton, Galt, Lodi, Stockton, Wallace and Durson, on the one hand, and Los Angeles Territory as defined in Item No. 270-3 of Minimum Rate Tariff No. 2 and intermediate points on U. S. Highway 99 south of Stockton, on the other hand.

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in paragraphs (1) and (3).

Applicant shall not transport any shipments of:

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- A. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- B. 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, bus chassis, other than between points specified in paragraphs 1 and 2 hereof.
- C. 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.
- D. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment, other than between points specified in paragraph 1 hereof.
- E. Liquids, other than fuel oils, petroleum emulsions and black oils between points specified in paragraphs 1 and 2 hereof; compressed gases; commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- F. Commodities when transported in bulk in dump trucks or in hopper type trucks.
- G. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.