

Decision No. 52787**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 JOHN A. HILDERBRAND and MELVIN O. )  
 LANGFORD for certificate of public )  
 convenience and necessity to operate ) Application No. 37333  
 highway common carrier service )  
 between French Gulch and Carrville, )  
 California, and intermediate points. )

O P I N I O N

John A. Hilderbrand and Melvin O. Langford seek an order authorizing them to conduct service as a highway common carrier for the transportation of general commodities between French Gulch, Carrville and intermediate points in Shasta and Trinity Counties. No protests have been received by the Commission although the application has been on file for more than four months.

It appears that applicants possess the experience, equipment, personnel and financial resources to institute and maintain the proposed operation.

Upon consideration of the allegations of the application and the lack of protest and the location of the service area the Commission finds that public convenience and necessity require that the application be granted. A public hearing is not necessary.

Applicants are hereby placed on 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 John A. Hilderbrand and Melvin O. Langford, authorizing them 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, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed upon notice that they will be required, among other things, to file annual reports of their 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, applicants 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 twenty days  
after the date hereof.

Dated at San Francisco, California, this  
13<sup>th</sup> day of March, 1956.

John E. Mitchell

President

James J. Casper

Paul L. Winter

William J. Lusk

B. Hardy

Commissioners

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Dated MAR 13 1956

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APPENDIX A

1. The certificate of public convenience and necessity granted to John A. Hilderbrand and Melvin O. Langford by the above-numbered decision, authorizes them to transport general commodities between French Gulch, Carrville and intermediate points subject to the following conditions:

Applicants shall not transport any shipments of

1. 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.
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps) ambulances, hearses, trucks, and trailers combined, buses, 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 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.
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.