

Decision No. 52804**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: )  
 JAMES H. CARR and CHARLES A. CARR, co- )  
 partners, doing business as OXNARD )  
 TRUCKING SERVICE, for an "in lieu" )  
 certificate of public convenience and )  
 necessity to operate as a highway )  
 common carrier of general commodities )  
 with some exceptions between various )  
 points and places in Southern )  
 California pursuant to Section 1063 of )  
 the California Public Utilities Code. )

Application No. 36430

O P I N I O N

James H. Carr and Charles A. Carr are engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued them by this Commission.

Applicants seek an order authorizing them to extend their highway common carrier service so as to transport general commodities, with certain exceptions, between Los Angeles Territory and Goleta, Ojai, Santa Susana 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 applicants possess the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein. A public hearing is not necessary.

Applicants are 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 James H. Carr and Charles A. Carr, 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.

(3) The operative rights granted by Decision No. 47047, dated April 22, 1952, and Decision No. 47323, dated June 24, 1952, both in Application No. 32313, are canceled simultaneously with the filings made pursuant to and as 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 19<sup>th</sup> day of March, 1956.

E. P. Marshall  
President  
Justin S. Cisneros  
Raymond L. Waterhouse  
William J. Dealy  
R. J. Smith  
Commissioners

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Decision No. 52804

Dated MAR 19 1956

Application No. 36430

APPENDIX A  
Page 1 of 2

James H. Carr and Charles A. Carr by the certificate of public convenience and necessity granted in the above-numbered decision are authorized to transport general commodities between:

1. Los Angeles, including Burbank, Glendale and South Gate, and Goleta and intermediate points via U. S. Highway 101 and 101-A, including the off-route points of Port Hueneme, Point Unger, the U. S. Naval Air Missile Test Center near Point Unger and Camarillo State Hospital.

2. Los Angeles, Burbank, Glendale and South Gate on the one hand and Ojai, all points on State Highway 118 between Ventura and Somis, inclusive, and all points on State Highway 126 between Ventura and Fillmore, inclusive, on the other hand.

The authority set forth in paragraphs 1. and 2. above include the right to render service to points within a lateral of three airline miles of the above-named highways and places, subject to the following conditions:

- a. 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 and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis.

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Decision No. 52801

Dated MAY 19 1956

Application No. 36430

APPENDIX A  
Page 2 of 2

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.