

ORIGINALDecision No. 52831

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LAD'S FURNITURE FREIGHT, INC., a cor-)
 poration, for an "in lieu" certificate)
 of public convenience and necessity to)
 operate as a highway common carrier of)
 uncrated new furniture, fixtures and)
 appliances, between various points and)
 places in Southern California, pursuant)
 to Sections 1061-73, inclusive, of the)
 Public Utilities Code.)

Application No. 35957

Glanz & Russell by Ernest F. Shelander and
Joseph L. Ventress, for applicant.

Herbert Cameron and Melvin A. Pixley, for
 A.T.L., Inc., Pixley Transportation and
 Melvin A. Pixley; R. C. Fels, for A.T.L.,
 Inc.; Robert W. Walker and Matthew H.
Witteman, for The Atchison, Topeka and
 Santa Fe Railway Company and Santa Fe
 Transportation Co.; Wm. Meinhold and
Frederick E. Fuhrman, for Southern Pacific
 Company and Pacific Motor Trucking Co.;
 and Vaughan, Paul and Lyons, for Automobile
 Transport of California, et al., protestants.

Anthony V. Danna, for Furniture Manufacturers'
 Association of Southern California and
Turcotte and Goldsmith by F. W. Turcotte
 for Blue Truck Lines, interested parties.

O P I N I O N

By this application, filed November 5, 1954, applicant seeks authority to transport shipments of furniture and related commodities, blanket wrapped, between points in Southern California.

Owing to the representations made in various verified protests herein a public hearing was held before Commissioner Untereiner and Examiner Power on January 26, 1956. The direct evidence was almost entirely embodied in attachments to the pleadings and in exhibits. The hearing was largely devoted to cross-examination of witnesses. At the conclusion of this hearing the matter was submitted.

This applicant already has a certificate to carry most of the commodities involved between the Los Angeles Area, on the one hand, and the San Diego Area, San Bernardino, Redlands, Riverside and numerous intermediate points, on the other hand. Applicant is authorized to carry new household, office and store furniture and fixtures, blanket wrapped. Applicant now seeks to enlarge its authority to include appliances, similarly wrapped. The original application included cartoned furniture; but this part of the request was abandoned at the hearing.

Territorially, four enlargements of authority are sought. The first is along U. S. Highway 66 to and beyond Barstow in the Mojave Desert. The second is along U. S. Highway 99 beyond Redlands to the Mexican Border. Fifteen mile lateral rights are requested on both of these routes.

Applicant's third proposal is to serve certain intermediate points that it now traverses in performing its certificated service. Between the Los Angeles and San Diego Areas there are certain areas in Orange and Los Angeles Counties that applicant is not presently authorized to serve. Finally, applicant seeks to serve locally in the Los Angeles Area.

The evidence includes, in addition to the oral testimony, five exhibits attached to the original application and four introduced at the hearing referred to above. Protestants introduced twenty-two exhibits. The evidence indicates that applicant has operated with substantial frequency between many of the points it is here requesting.

The applicant has demonstrated that it possesses the requisite financial resources, facilities, personnel, equipment and experience to provide and maintain the extended highway common carrier service proposed herein.

Upon consideration of the evidence presented by applicant and the representations of the protestants, the Commission finds that public convenience and necessity require that the application be granted. The ensuing order will restate applicant's operative rights.

Applicant is 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

A public hearing having been held, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Lad's Furniture Freight, Inc., 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 on 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 on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 80 by filing in triplicate, and concurrently making effective, tariffs satisfactory to the Commission.

(3) That, effective concurrently with the establishment of service under the authority herein granted, the present operating authority of applicant created by Decisions Nos. 48491, dated April 14, 1953 and 49392, dated December 1, 1953, both in Application No. 33523, is hereby revoked and canceled.

The effective date of this order shall be ninety days after the date hereof.

Dated at San Francisco, California, this 27th day of March, 1956.

[Signature]
President
Justin J. Casner
Ray L. [Signature]
[Signature]
[Signature]
Commissioners

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The certificate of public convenience and necessity granted to Lad's Furniture Freight, Inc., by the above-numbered decision, authorizes it to transport new household, office and store furniture and fixtures loose, not in boxes, crates or cartons, and uncrated new household, office and store appliances between all points and places in an area in Southern California, bounded and described as follows:

Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundary of said city to its point of first intersection with the southerly boundary of Angeles National Forest thence along the southerly boundary of Angeles and San Bernardino National Forests to the point of intersection of the southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County Line, thence in a southerly and westerly direction along said county boundary to a point thereon distant 5 miles east of the intersection of said county line and State Highway 18, thence generally southerly, southwesterly and southeasterly, along a line generally paralleling and distant 5 miles from State Highway 18, State Highway 55 and U. S. Highway 101 to its intersection with an imaginary prolongation of the southerly city limits of San Clemente, thence westerly along said imaginary line to the Pacific Ocean, thence northerly and westerly along the coast line of said Pacific Ocean to the point of beginning. Also,

between Los Angeles Territory, as defined in Item No. 270-3, Minimum Rate Tariff No. 2, on the one hand, and

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- (a) San Diego Territory as defined in Item No. 271-C of Minimum Rate Tariff No. 2, over and along U. S. Highways 101, 101-Alternate and 101 By-Pass with service to, from and between all intermediate and off-route points located within a lateral of 15 airline miles from U. S. Highway 101 from its junction with the southerly city limits of San Clemente to its junction with the San Diego Area. Also
- (b) The City of Barstow, with service from, to and between all intermediate and off-route points within a lateral of 15 air miles of U. S. Highway 66 from its junction with the southern boundary of the San Bernardino National Forest, and its junction with the westerly city limits of the City of Barstow, and the additional off-route points of Lancaster and Palmdale. Also,
- (c) The City of El Centro, over and along U. S. Highways 60 and 99 with service from, to and between all intermediate and off-route points located within a lateral of 20 air miles of said routes from their junctions with a line 5 miles east of State Highway 18, all on the other hand. Also,

between San Diego Territory as above described on the one hand, and Whittier, La Habra and Brea and all points intermediate between San Diego Territory and State Highway Sign Route No. 55 (Newport Avenue) which applicant is herein authorized to serve, all on the other hand.

In rendering service within the territory first above-described applicant may make use of any and all streets, roads and highways.