

Decision No. 52381**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 LOYD B. TURNER, doing business as) Application No. 36410
 BLUE TRUCK LINES, to operate a High-)
 way Common Carrier Service.)

Turcotte and Goldsmith by F. W. Turcotte,
 for applicant.

Herbert Cameron and Melvin A. Pixley, for
Pixley Transportation, A.T.L., Inc. and
Melvin A. Pixley; R.C. Fels, for A.T.L.,
Inc., protestants.

Anthony V. Danna, for Furniture Manufacturers
 Association of Southern California, intervener.

O P I N I O N

This application was filed on November 15, 1954. Because of the representations made by some of the protestants a public hearing was scheduled. This was held before Commissioner Untereiner and Examiner Power at Los Angeles on January 27, 1956. All testimony was, by special rule, required to be reduced to writing and served and filed prior to the hearing, which was devoted principally to cross-examination.

Applicant has requested a certificate to transport blanket wrapped new furniture and commodities often associated with that type of traffic. He seeks to serve between the Los Angeles area and Northern California. His Northern California requested area consists of points between San Jose and Santa Rosa on the coast route and between Merced and Central Valley on the inland route.

At the hearing applicant had 21 exhibits on file of which eight were stricken. The eight were all statements of witnesses who did not attend the hearing to undergo cross-examination. The active protestants presented 23 exhibits. The Furniture Manufacturers

Association of Southern California (hereinafter sometimes called the "Association") presented a statement, authorized by its board of directors, through its traffic manager.

A consideration of the evidence presented by the applicant leads us to the conclusion, and we now find, that applicant has operated with substantial frequency between the points proposed to be served.

The applicant in this proceeding has demonstrated that he has the requisite financial resources, facilities, personnel, equipment and experience to provide and maintain the common carrier service proposed herein.

The statement of the Association's directors supported the application making two chief points. First, competition is desirable in transport as it is in other types of businesses. Second, the existing common carrier service has been subject to lengthy suspensions in recent years, leaving no certificated service available at such times between the Los Angeles producing area and Northern California.

Upon consideration of the evidence presented by applicant, the representations of the protestants, and the statement of the Association's directors, the Commission finds that public convenience and necessity require that the application be granted.

Applicant is 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, and basing its decision on the findings and conclusions set forth in the foregoing opinion, Now Therefore

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Loyd B. Turner, doing business as Blue Truck Lines, 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 comply with the provisions of General Order No. 80 by filing in triplicate, and concurrently making 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 10th day of April, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.

GH*

Decision No. 52881

Dated APR 10 1956

Application No. 36410

APPENDIX A
Page 1 of 3

The certificate of public convenience and necessity granted to Loyd B. Turner, doing business as Blue Truck Lines, by the above-numbered decision, authorizes him to transport

- (1) Uncrated new furniture and parts thereof;
- (2) Uncrated new lamp standards and electric lamps and shades combined, and parts thereof;
- (3) Uncrated household refrigerators and parts thereof;
- (4) Uncrated radio receiving sets, radio receiving sets and talking machines combined, television sets, vision receiving sets, television or vision receiving sets and talking machines or radio sets combined, including necessary equipment of tubes and loud speakers and parts thereof;
- (5) Uncrated new household laundry machines, including drying machines, ironing machines, washing machines, with or without dish washing attachment and parts of any thereof;
- (6) Ironing boards, ironing tables, ironing machine covers and parts of any thereof; and
- (7) Uncrated new stoves or ranges, electric, gas, gasoline or oil.

From: Los Angeles and all points and places within 35 miles of First and Main Streets in the City of Los Angeles,

To:

- (a) Points on U. S. Highway No. 99 between Merced and Sacramento, both inclusive.
- (b) Points on U. S. Highway 50 between Stockton and San Francisco territory.
- (c) Points on State Highway No. 120 between Manteca and intersection U. S. Highway 50.

GH*

Decision No. 52381

Dated APR 10 1956

Application No. 36410

APPENDIX A
Page 2 of 3

- (d) San Francisco territory.
- (e) Points on U. S. Highway No. 101 between San Francisco territory and Santa Rosa, including Santa Rosa.
- (f) Points on U. S. Highway No. 40 between San Francisco territory and Roseville.
- (g) Points on State Highway No. 29 between Vallejo and Napa.
- (h) Points on U. S. Highway No. 99-W between its junctions with U. S. Highways Nos. 40 (near Davis) and 99-E (at Red Bluff).
- (i) Points on U. S. Highway No. 99-E between its junctions with U. S. Highways Nos. 40 (at Roseville) and 99-W (at Red Bluff).
- (j) Points on U. S. Highway No. 99 between Red Bluff and Central Valley.

Applicant may serve all intermediate points on, and all off-route points within 10 miles, airline distance, laterally from routes (a) to (j) inclusive, as said routes are set forth above.

For operating convenience only, applicant may use any highway convenient for the purpose of rendering the service herein authorized including, but not limited to, the routes named and U. S. Highways 101 and 99 and all East, West, Alternate and By-pass routes thereof and State Highways (Sign Routes) Nos. 12, 37, 48, 33, 132 and 152.

Within his Los Angeles terminal area and within San Francisco territory applicant may use all streets, roads, boulevards,

Decision No. 52481

Dated APR 10 1956

Application No. 36410

APPENDIX A
Page 3 of 3

highways and bridges.

Transportation of the same commodities in the reverse direction (from Northern to Southern California) may be performed for shipments of returned, damaged or rejected merchandise only.

The term "San Francisco territory" as used herein means all points and places within the area so designated in Item No. 270-3 series Minimum Rate Tariff No. 2.