

Decision No. 52904**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of R. CALI & BRO., a corporation,)
for a certificate of public)
convenience and necessity author-)
izing the transportation of)
specified commodities between)
certain California points.)

Application No. 36223

O P I N I O N

R. Cali & Bro., a corporation, is engaged in the transportation of property in California pursuant to permits issued it by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of:

1. Canned goods, dried fruit, feeds, and cannery supplies and equipment:
 - a. Between San Francisco and San Jose via U. S. Highways Nos. 101 and 101 Bypass, serving all intermediate points and all off-route points within five miles laterally from said routes.
 - b. Between Richmond and San Jose via U. S. Highway No. 40 and State Highway 17, serving all intermediate points and all off-route points within five miles laterally from said route.
 - c. Between all points included in paragraph (a), on the one hand, and, on the other, all points named in paragraph (b).
 - d. Between all points included in paragraphs (a) and (b), on the one hand, and, on the other, all points on U. S. Highway No. 99 between North Sacramento and Fresno, including North Sacramento and Fresno, including the off-route point of Auburn, over all available routes.
2. Petroleum products, in barrels or packages:

Between Richmond, on the one hand, and points in Santa Clara, Santa Cruz, and Monterey Counties, on the other hand.

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 to the extent 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 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 R. Cali & Bro., a corporation, 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 upon 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 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.

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

Dated at San Francisco, California, this 17th day of April, 1956.

E. W. Mitchell
President

Justice J. Calmes

Ralph Underwood

William D. Dashi

R. Hardy
Commissioners

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APPENDIX A

R. Cali & Bro., by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport:

1. Canned Goods and other articles as listed under that heading in Item No. 610 on 12th Revised Page 47 of Minimum Rate Tariff No. 2.
2. Dried Fruit as described in Items Nos. 19120, 19125, 19155, 19160 and 19215 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto.

between:

1. San Francisco and San Jose via U. S. Highways Nos. 101 and 101 Bypass, including all intermediate points and the points of Sunnyvale and Cupertino.
2. Sunnyvale and Cupertino, on the one hand, and Oakland and Alameda, on the other hand. The authority set forth in this paragraph 2 does not include the right to render service to, from or between intermediate points.