

Decision No. 53116**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 FORTIER TRANSPORTATION COMPANY, a )  
 corporation, for a certificate of )  
 public convenience and necessity to )  
 operate as a highway common carrier )  
 for the transportation of property. )

Application No. 36104

O P I N I O N

Fortier Transportation Company is engaged in the transportation of property in California pursuant to permits and certificates of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of general commodities generally between San Diego Territory, Los Angeles Basin Territory, San Francisco Territory and Sacramento 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 in the manner 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 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 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 Fortier Transportation Company, 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 and Appendix B 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 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.

(3) That the operative rights granted by Decision No. 42405, dated January 4, 1949, as amended by Decisions No. 42508 and 52877, are cancelled simultaneously with the making of the filings pursuant to and 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 9th day of May, 1956.

(John E. Baxler)  
President  
Justice F. Adams  
Paul L. Anderson  
Wm. D. Cook  
R. Hardy  
Commissioners

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Fortier Transportation Company, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport general commodities between San Francisco, South San Francisco, Richmond, Albany, Berkeley, Piedmont, Oakland, Alameda, Emeryville, and San Leandro, and the Los Angeles Territory (as described in Appendix B attached hereto), including intermediate points along and points laterally within five miles of the routes hereinafter set forth.

Applicant 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) Commodities weighing 5,000 pounds or less which require the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.

Applicant shall conduct operations over and along the following routes:

- (a) U. S. Highways 101 and 101 By-Pass between San Francisco and Gilroy.
- (b) State Highway 152 between Gilroy and Califa.
- (c) U. S. Highway 99 between Califa and the Los Angeles Territory.
- (d) U. S. Highways 40, 50 and State Highway 17 between San Francisco, Richmond, Albany, Berkeley, Piedmont, Oakland, Alameda, Emeryville and San Leandro, and Manteca.

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- (e) U. S. Highway 99 between Manteca and Califa.
- (f) State Highway 33 between Tracy and Maricopa.
- (g) State Highway 166 between Maricopa and the junction of State Highway 166 and U. S. Highway 99.
- (h) Between Fresno and Famoso, via Sanger, Reedley, Dinuba, Orosi, Visalia, Exeter, Lindsay, Porterville and Famoso.
- (i) Between Tipton and Fresno, via Corcoran, Hanford, Lemoore, Riverdale and Fresno.
- (j) State Highway 17 for operating convenience.

APPENDIX B TO DECISION NO. 53116

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U.S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.