

**ORIGINAL**Decision No. 53164

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 WALTER G. MITCHELL, JR., doing )  
 business as AUTO FAST FREIGHT, for )  
 a certificate of public convenience )  
 and necessity extending its operations )  
 as a common carrier for the trans- )  
 portation of property. )

Application No. 36404

O P I N I O N

Walter G. Mitchell, Jr., 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 him to extend his service as a highway common carrier so as to transport property generally between his Los Angeles area and San Bernardino, Riverside and Redlands, via certain available routes, including intermediate points along and points laterally and radially within three miles of such routes; and between San Bernardino, Riverside and Redlands.

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 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 Walter G. Mitchell, Jr., 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 on 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 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 28<sup>th</sup> day of May, 1956.

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President

Justin S. Caswell

Ralph L. Luterer

Michael J. Dool

B. Hardy

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Commissioners

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Walter G. Mitchell, Jr., by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport general commodities between:

- (1) The Los Angeles area (being that territory bounded on the south by Firestone Boulevard and Manchester Avenue; on the west by Vermont Avenue; on the north by Los Feliz Boulevard, San Fernando Road, Avenue 26, Griffin Avenue, Mission Road, Valley Boulevard; and on the east by Atlantic Boulevard) and Redlands, including intermediate points over and along, and points laterally within three miles of, U. S. Highways 60, 70 and 99.
- (2) The said Los Angeles area and San Bernardino, including intermediate points over and along:
  - (a) U. S. Highway 66.
  - (b) U. S. Highways 60, 70 and 99 between the said Los Angeles area and Pomona; U. S. Highway 60 between Pomona and Riverside; U. S. Highway 91 between Riverside and San Bernardino.
- (3) The said Los Angeles area, on the one hand, and Whittier, Fullerton and Santa Ana, on the other hand. This authority does not include the right to render service to, from or between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications as to the authorities set forth in paragraphs (1) and (2), on the one hand, and the authority set forth in paragraph (3); on the other hand.

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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) 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 and bus chassis.
- (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.