

Decision No. 53168**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CALIFORNIA CARTAGE COMPANY, INC., a)
 California corporation, for a certif-) Application No. 36467
 icate of public convenience and)
 necessity as a highway common carrier)
 of property.)

O P I N I O N

California Cartage Company, Inc., 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 Santa Monica and Doheny Park; Calabasas, Los Angeles and San Diego; San Fernando, Los Angeles and Redlands; Santa Monica, Los Angeles and San Bernardino; Los Angeles and Wilmington; Pasadena and Long Beach; and Long Beach, Riverside and San Bernardino.

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 as 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. Such order also will restate applicant's highway common carrier operative rights. 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 California Cartage Company, Inc., 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 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.

(3) The operative rights granted by Decision No. 44558, dated July 18, 1950, in Application No. 30318, and Decision No. 49804, dated March 16, 1954, in Application No. 34505, are cancelled simultaneously with the filings made 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 28th day of May, 1956.

President
Justus J. Casanova
Rudolph W. Lutz
Wm. H. D. ...
B. V. ...

Commissioners

Decision No. 53168
Dated MAY 28 1956
Application No. 36467

APPENDIX A
Page 1 of 3

California Cartage Company, Inc., a corporation,
by the certificate of public convenience and necessity granted
in the above-numbered decision, is authorized to transport
general commodities between:

- (1) All points within the Los Angeles Territory as more particularly described in Appendix B hereto attached.
- (2) The said Los Angeles Territory and San Diego, together with intermediate points situated along U. S. Highway 101, and points situated laterally within 5 miles of U. S. Highway 101 between such Los Angeles Territory and Santa Ana, and together with the cities and communities of North Island, Coronado, National City, Chula Vista, Lemon Grove, La Mesa and El Cajon. The authority contained in this paragraph does not include the right to render service between the cities or communities of San Diego, North Island, Coronado, National City, Chula Vista, Lemon Grove, La Mesa and El Cajon.
- (3) Los Angeles, on the one hand, and Alhambra, Arcadia, Azusa, Monrovia, Fontana, Ontario, Pomona, Redlands, Arlington, Riverside and San Bernardino, on the other hand. The authority contained in this paragraph (3) 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 separate authorities hereinabove set forth in paragraphs (1) and (2), on the one hand, and the authority set forth in paragraph (3).

Decision No. 5316S
Dated MAY 28 1956
Application No. 36467

APPENDIX A
Page 2 of 3

Applicant shall conduct operations:

- (a) Over and along U. S. Highway 101 between Los Angeles and San Diego, U. S. Highway 101-A between Los Angeles Harbor District and the junction of U. S. Highways 101 and 101-A at Doheny Park, and over and along the most appropriate route or routes when serving points and places situated within the described lateral area.
- (b) Within the Los Angeles Territory and the named cities and communities in San Diego County, over and along the most appropriate route or routes.
- (c) Between the points set forth in (2) of page 1 hereof above, over and along the most appropriate route or routes.

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.

Decision No. -531GS

Dated MAY 28 1956

Application No. 36467

APPENDIX A
Page 3 of 3

- (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
- (5) Liquids, compressed gases, commodities in semiplastic 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.

APPENDIX B TO DECISION NO. 5316S

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.