

Decision No. 53226

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
GEORGE KELLER for a certificate of )  
public convenience and necessity )  
authorizing transportation of property )  
as a highway common carrier between )  
various points in California. )  
\_\_\_\_\_ )

Application No. 36109

O P I N I O N

George Keller is engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities, with certain exceptions, generally between San Francisco, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Oakland, Alameda, Piedmont, San Leandro and Hayward, on the one hand, and on the other hand, all points on U. S. Highway 101 between Sausalito and Santa Rosa; between San Francisco and San Jose; and the off-route points of Greenbrae, Mill Valley and Los Altos.

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 George Keller, 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 on 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 Decision No. 42353, dated December 21, 1948, in Application No. 27545, is amended by inserting the word "Berkeley" immediately following the word "Oakland" in the first sentence of ordering paragraph (1) and in ordering paragraph (2)3.(b) thereof.

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

Dated at San Francisco, California, this 27<sup>th</sup> day of June, 1956.

*E. N. Mitchell*  
President

*Justin S. Caswell*

*Ray L. Intersuei*

*Wm. J. Boal*

*R. Huntz*  
Commissioners

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Dated JUN 12 1956  
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APPENDIX A

George Keller, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport automobile parts or accessories, as listed under that heading in Items Nos. 2805 through 3505 of Western Classification No. 75, Cal. PUC No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 49, between San Francisco and San Jose and intermediate points via U. S. Highways 101 and 101 By-pass.

Applicant shall not establish through routes and joint rates, charges and classifications between the authority granted by Decision No. 42353, in Application No. 27545, and the authority hereinabove set forth.