

Decision No. 53364**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 THOMAS B. WATT, JR., and WALTER J. )  
 NELSON, copartners doing business )  
 as and under the style and firm name )  
 of JOHNSON'S TRUCKING SERVICE, for )  
 a certificate of public convenience )  
 and necessity authorizing an extension )  
 of operations. )

Application No. 37987

O P I N I O N

Applicants request an order authorizing them to conduct a highway common carrier service for the transportation of lumber and forest products from Indian Creek to Hornbrook.

It appears from the allegations of the application that:

1. For many years past applicants have been transporting lumber and forest products from mills located in the Indian Creek and Happy Camp areas to Hornbrook.
2. By offering their service as a highway common carrier, applicants would be in a position to render a better service on a more expeditious basis for the mills located in the Indian Creek area.
3. Applicants know of no highway common carrier authorized to serve the points here involved.

It appears also that applicants possess the equipment and financial resources to institute and maintain the proposed operation.

Upon consideration of the allegations of the application, the Commission finds that public convenience and necessity require that the application be granted. A public hearing is not necessary.

Applicants are 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 filed herein, Now Therefore,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Thomas B. Watt, Jr., and Walter J. Nelson, authorizing them to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property 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, applicants shall comply with and observe the following serving regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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, applicants 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 twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of July, 1956.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners

Thomas B. Watt, Jr., and Walter J. Nelson, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport lumber, veneer or forest products, as listed under that heading in Items Nos. 26715 through 27135 of Western Classification No. 75, Cal. P.U.C. 8, George H. Dumas, Agent, and Supplements Nos. 41, 46, 48 and 50 thereto, from Indian Creek to Hornbrook.

Applicants shall conduct operations over the following routes:

- (a) From Indian Creek via unnumbered county road to Happy Camp.
- (b) From Happy Camp via State Highway 96 to junction U. S. Highway 99.
- (e) U. S. Highway 99 north to junction unnumbered county road approximately two miles west of Hornbrook, thence easterly via unnumbered county road to Hornbrook.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 53264, Application No. 37987.