

ORIGINAL

Decision No. 53567

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ERNEST GILMAN FAIRBANK, an individual,)
 doing business as MANTECA TRANSFER,)
 for a certificate of public conven-)
 ience and necessity to operate as a)
 highway common carrier of commodities)
 between various points and places)
 in Northern California.)

Application No. 36508

O P I N I O N

Ernest Gilman Fairbank is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of varied, specifically named commodities between Manteca and points within a 35-mile radius thereof, and Sacramento, San Francisco Bay Area points, Palo Alto, San Jose, Santa Cruz and Gilroy.

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 Ernest Gilman Fairbank, 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 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 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 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.

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

Dated at San Francisco, California, this 7th day of August, 1956.

Walter E. Mitchell
President

Quentin J. Caswell

George D. Doble

B. Hardy

Commissioners

Ernest Gilman Fairbank, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. CANNED GOODS AND OTHER ARTICLES, as listed under that heading in Item No. 610 on Twelfth Revised Page 47 of Minimum Rate Tariff No. 2.
2. CAPS, COVERS OR TOPS, OTHER THAN DISPLAY FOR BOTTLES, CANS, GLASSES OR JARS, OR CAN BOTTOMS, as listed under that heading in Items Nos. 9055 through 9110 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto.
3. MISCELLANEOUS COMMODITIES, VIZ.:
Boxes, fibreboard
Pallets, wooden

between:

Manteca, on the one hand, and San Francisco, Oakland, Alameda and Stockton, on the other hand.

Such authority does not include the right to render service from, to, or between intermediate points.

Issued by California Public Utilities Commission

Decision No. 53567, Application No. 36508.