

ORIGINALDecision No. 53586

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CHARLES DeBOER dba DeBOER TRUCK LINES) Application No. 36135
 to operate a highway common carrier)
 service.)

O P I N I O N

Charles De Boer 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 specifically named commodities generally between San Francisco, Sacramento and Fresno and intermediate and off-route points.

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 Charles DeBoer, 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 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.

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.

John E. Mitchell
President

Justus J. Casler

Wm. L. D. ...

B. Hardy

Commissioners

Charles De Boer, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. ADVERTISING MATTER, as listed under that heading in Items Nos. 225 through 330 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.
2. CAMERAS, CINEMA OR PHOTOGRAPHIC MATERIALS, VIZ.: Dry plates or films, unexposed. Photographer's material.
3. CEREAL FOOD PREPARATIONS, as listed under that heading in Items Nos. 9835 through 9915 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.
4. DRUGS, MEDICINES OR TOILET PREPARATIONS, as listed under that heading in Items Nos. 15180 through 15500 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.
5. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, VIZ.: Vaporizers, with or without medicine.
6. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, VIZ.:
Foods, baby.
Milk, condensed or evaporated.
Milk, food.
7. GLASSWARE, VIZ.:
Bottles, carboys, demijohns or jars, other than cut.

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8. LIQUORS, BEVERAGE, as listed under that heading in Items Nos. 26330 through 26360 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.
9. MACHINERY OR MACHINES, OR PARTS NAMED, VIZ.:
Scales.
10. PAPER, as listed under that heading in Items Nos. 35440 through 35771 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.
11. PAPER ARTICLES, as listed under that heading in Items Nos. 35785 through 36307 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.
12. RUBBER, ARTIFICIAL, GUAYULE, NATURAL, NEOPRENE OR SYNTHETIC, VIZ.:
Tire tubes
Tires, pneumatic
13. MISCELLANEOUS COMMODITIES, VIZ.:
Bottles, glass or metal, insulated and jacketed.
Clocks
Compounds, cleaning, liquid
Cotton, absorbent
Pads, sanitary
Racks, newspaper or magazine display
Soap
Sterilizers
Wax, shoe

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between:

- A. San Francisco, on the one hand, and Tracy, Manteca, Stockton, Lodi, Modesto, Turlock, Ripon, Riverbank, Escalon, Oakdale, Pittsburg, Martinez, Antioch and Brentwood, on the other hand.
- B. Sacramento, on the one hand, and Vallejo, Suisun, Fairfield, Vacaville, Dixon, Davis, Antioch, Woodland, Winters, Isleton, Rio Vista, Courtland and Walnut Grove, on the other hand.

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

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate operating authorities hereinabove set forth in paragraphs A and B.

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