

ORIGINALDecision No. 53625

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of C. L. TILDEN, JR. and IRVING)
S. CULVER, partners doing business)
as GIBRALTAR WAREHOUSES, for a)
certificate of public convenience)
and necessity authorizing the)
transportation of property between)
San Francisco, East Bay points,)
San Jose, and intermediate points.)

Application No. 36065

O P I N I O N

C. L. Tilden, Jr., and Irving S. Culver are engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicants seek an order authorizing them to conduct service as a highway common carrier for the transportation of general commodities, with certain exceptions,

- (1) Between San Francisco and San Jose via U. S. Highways Nos. 101 and 101 By-Pass;
- (2) Between points in the San Francisco-East Bay Cartage Zone, as set forth in Appendix "C" to Decision No. 50872 dated the 14th day of December, 1954, in Case No. 5535; and
- (3) Between San Francisco and points on State Highway 17 between Oakland and San Jose;

serving all intermediate points on the routes described in (1) and (3) above and all off-route points within three miles laterally from such routes.

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 applicants possess the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein. 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 and representations filed herein, Now Therefore

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to C. L. Tilden, Jr., and Irving S. Culver, authorizing them 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, applicants shall comply with and observe the following service 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 ninety days after the date hereof.

Dated at San Francisco, California, this 28th day of August, 1956.

John E. Mitchell
President
James F. Casner
Ray L. Intermei
Thomas A. Doan
B. Knudtz
Commissioners

C. L. Tilden, Jr., and Irving S. Culver, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport the following commodities:

1. ALUMINUM, VIZ.:
Sheets
2. CANDY OR CONFECTIONERY, as listed under that heading in Items Nos. 8930 through 9030 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 and 50 thereto.
3. CHEMICALS, VIZ.:
Borax powder
Glycerine
4. CLOTH, DRY GOODS OR FABRICS, VIZ.:
Blankets
Comforts or quilts
5. 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.
6. ELECTRICAL APPLIANCES OR EQUIPMENT, VIZ.:
Insulators
Switches
Switch boxes or outlet plates
7. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, VIZ.:
Extracts, flavoring compounds
Milk, condensed or evaporated
Seasoning compounds
Shortening
Soup mix
Syrup
Tea

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8. FURNITURE, as listed under that heading in Items Nos. 19510 through 20494 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. METALS, OR ALLOYS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, VIZ.:
Solder
10. WAX, as listed under that heading in Items Nos. 45385 through 45465 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. MISCELLANEOUS COMMODITIES, VIZ.:
Carriages, baby
Cleaning or washing compounds
Clothes pins
Egg cases, fibreboard, pulpboard or strawboard
Gums or resins, synthetic
Lavatory fixtures
Lead, white
Litharge, dry
Matches
Napkins, paper
Notions
Paper, wrapping, wax
Pipe, lead
Skewers
Soap, liquid, powder or bar
Spoons or sticks, ice cream
Strapping, steel
Tires, pneumatic
Tooth picks
Tubes, tire
Twine

between:

- A. San Francisco, on the one hand, and Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, and El Cerrito, on the other hand.

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- B. San Francisco, on the one hand, and points on U. S. Highway 101 between Daly City and San Jose, and points on U. S. Highway 101 By-Pass between Bayshore and San Jose, on the other hand.

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

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

End of Appendix A

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