

**ORIGINAL**Decision No. 52430

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAM GUSINOW, an )  
 individual, doing business as )  
 G & G TRUCKING CO., to operate )  
 a highway common carrier service. )

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Application No. 36538

O P I N I O N

Sam Gusinow 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 within Los Angeles Drayage Area (Zones 1-A, 1-B, 1-C, 1-D, 10, 11, 12 and 17) as described in Items Nos. 30, 31, 32 and 33 of Minimum Rate Tariff No. 5 and between it, on the one hand, and Fresno, Modesto, Merced and San Francisco Territory, on the other hand.

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 Sam Gusinow, 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 28<sup>th</sup> day of August, 1956.

Robert E. Mitchell  
President  
Justice F. Caswell  
Paul L. Luterer  
Walter H. Haskin  
R. H. Hardy  
Commissioners

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

1. CARRIERS (used packages), as listed under that heading in Item No. 300 of Supplement No. 34 to Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal. P.U.C. No. 193, J. P. Haynes, Agent, on the issue date thereof.
2. DAIRY PRODUCTS, as listed under that heading in Items Nos. 14460 through 14620 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplement No. 48 thereto.
3. FEED, ANIMAL OR POULTRY, as listed under that heading in Items Nos. 17065 through 17385 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. FERTILIZER, as listed under that heading in Items Nos. 535, 540 and 550 of Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal. P.U.C. No. 193, J. P. Haynes, Agent, on the issue date thereof and Supplement No. 34 thereto.
5. FISH, FRESH OR FROZEN, as listed under that heading in Items Nos. 17720 through 17785 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof.
6. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 18145 through 18948 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.

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Decision No. 53630, Application No. 36538.

7. NURSERY STOCK, as listed under that heading in Items Nos. 33470 through 33520 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof.
8. 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, 48 and 50 thereto.
9. MISCELLANEOUS COMMODITIES, VIZ.:
  - Foods, frozen
  - Fruits, fresh or green
  - Ice
  - Meats, cooked, cured, fresh or preserved
  - Vegetables, fresh or green

between:

Los Angeles Drayage Area Zones 1-A, 1-B, 1-C, 1-D, 10, 11, 12, and 17 as described in Items Nos. 30, 31, 32, and 33 on Second Revised Page 9, Original Page 10, First Revised Page 11 and Original Page 12 of Minimum Rate Tariff No. 5, on the one hand, and Oakland and San Francisco, on the other hand.

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

End of Appendix A

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