

Decision No. 53640**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of A. S. FITZ-GERALD, an)
 individual, doing business as)
 FITZ-GERALD BROS., to operate a)
 highway common carrier service.)

Application No. 36432

O P I N I O N

A. S. Fitz-Gerald 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 property, generally to and from various points in southern and central California.

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 A. S. Fitz-Gerald, 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 28th day of August, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners

A. S. Fitz-Gerald, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. AGRICULTURAL IMPLEMENTS, OTHER THAN HAND, as listed under that heading in Items Nos. 595 through 980 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.

ALUMINUM, as listed under that heading in Items Nos. 1535 through 1790 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.

AUTOMOBILE PARTS OR ACCESSORIES, as listed under that heading in Items Nos. 2805 through 3505 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.

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.

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.

GROCERIES AND GROCERS' SUPPLIES, as listed under that heading in Item No. 360 of Fifth Revised Page 38 of Minimum Rate Tariff No. 2.

HARDWARE, as listed under that heading in Items Nos. 22455 through 23600 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.

Issued by California Public Utilities Commission.

Decision No. 53640, Application No. 36432.

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.

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.

PETROLEUM OR PETROLEUM PRODUCTS, IN PACKAGES, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, as listed under that heading in Items Nos. 36390 through 36465 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 50 thereto.

SEEDS, as listed under that heading in Items Nos. 39865 through 40150 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.

MISCELLANEOUS COMMODITIES, VIZ.:

Advertising displays
Advertising display equipment
Barrels, empty
Batteries, electric, dry cell or storage
Cartons, fibreboard
Cement
Coke
Doors, wooden
Earth (soil)
Fibreboard
Filters
Gypsum
Lamps, electric
Lime
Lumber
Manure, animal
Notions
Oil, linseed
Paint
Pallets
Paste, adhesive
Plant supports

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53640

Decision No. _____, Application No. 36432.

Sodium phosphate
Stakes, iron, steel or wooden
Structural iron or steel
Tires, pneumatic
Tubes, tire
Trailers
Twine
Wheels
Windows

Between Los Angeles Drayage Area as defined 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 Santa Maria and Betteravia, on the other hand.

2. Fruit, fresh or green (not cold pack nor frozen)

Vegetables, fresh or green (not cold pack nor frozen), including mushrooms, fresh.

Between Santa Maria, on the one hand, and said Los Angeles Drayage Area and Long Beach, on the other hand.

3. Sugar

Between Betteravia, on the one hand, and said Los Angeles Drayage Area and San Jose, on the other hand.

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

End of Appendix A

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Decision No. 53640, Application No. 36432.