

**ORIGINAL**Decision No. 53645

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Theodore F. Rocke, )  
 an individual, doing business as )  
 Eagle Truck Line, to operate a )  
 Highway Common Carrier Service. )

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Application No. 36409

O P I N I O N

Theodore F. Rocke 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 general commodities, with certain exceptions, between points within the Los Angeles Drayage Area as described in Items Nos. 30, 31, 32 and 33 of the Minimum Rate Tariff No. 5 and from all points in said area to all points in a Los Angeles Territory as described in the application.

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 Theodore F. Rocke, 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.

[Signature]  
President  
Justus D. Quenneville  
Paul W. [unclear]  
[Signature]  
[Signature]  
Commissioners

Theodore F. Roche, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. ABRASIVES, as listed under that heading in Items Nos. 5 through 45 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof.
2. ACIDS, as listed under that heading in Items Nos. 50 through 215 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. AGRICULTURAL IMPLEMENTS, HAND OR PARTS NAMED, as listed under that heading in Items Nos. 340 through 590 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41 and 50 thereto.
4. AIRPLANES, OR PARTS NAMED, as listed under that heading in Items Nos. 1285 through 1380 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 48 and 50 thereto.
5. AMMUNITION, as listed under that heading in Items Nos. 1800 through 1935 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. ATHLETIC, GYMNAS TIC OR SPORTING GOODS, as listed under that heading in Items Nos. 2255 through 2790 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.
7. 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.

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8. BASKETS OR HAMPERS, as listed under that heading in Items Nos. 4065 through 4225 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 48 and 50 thereto.
9. BOILERS, FURNACES, RADIATORS, STOVES, RELATED ARTICLES OR PARTS NAMED, as listed under that heading in Items Nos. 4800 through 5470 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.
10. BOOTS, SHOES, OR BOOT OR SHOE FINDINGS, as listed under that heading in Items Nos. 5530 through 5685 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 48 thereto.
11. BOXES OR CRATES, INCLUDING FIBREBOARD, PAPER OR PULPBOARD BOTTLES OR CANS, as listed under that heading in Items Nos. 5785 through 6200 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. BROOMS, BRUSHES OR MOPS, OR PARTS NAMED, as listed under that heading in Items Nos. 6735 through 6845 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 48 thereto.
13. CAMERAS OR CINEMA OR PHOTOGRAPHIC MATERIALS, as listed under that heading in Items Nos. 8820 through 8892 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.
14. DRAWING INSTRUMENTS, OPTICAL GOODS, OR SCIENTIFIC INSTRUMENTS, as listed under that heading in Items Nos. 14985 through 15160 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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15. 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.
16. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, as listed under that heading in Items Nos. 15605 through 16250 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.
17. FORMS, CLOTHING DISPLAY OR DRESS FITTING OR PARTS NAMED, as listed under that heading in Items Nos. 18960 through 18990 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof.
18. Furniture, METALLIC OR WOODEN, as listed under that heading in Items Nos. 19595 through 20367 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.
19. GAMES OR TOYS, as listed under that heading in Items Nos. 20670 through 20870 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.
20. GLASSWARE, as listed under that heading in Items Nos. 21265 through 21585 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.
21. HARDWARE, as listed under that heading in Items Nos. 22455 through 23660 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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22. IRON OR STEEL, VIZ.:
- |               |                |
|---------------|----------------|
| Bands or rods | Foot walks     |
| Bars          | Girders        |
| Bases         | Inserts        |
| Beams         | Plate or sheet |
| Channels      | Staples, wire  |
| Columns       | Wheel weights. |
23. LAMPS, LANTERNS, OR LIGHTING FIXTURES, OR PARTS NAMED, as listed under that heading in Items Nos. 25800 through 26000 of Western Classification No. 75, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46 and 48 thereto.
24. MACHINERY OR MACHINES, OR PARTS NAMED, as listed under that heading in Items Nos. 27145 through 31920 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.
25. METERS, as listed under that heading in Items Nos. 32570 through 32625 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplement No. 50 thereto.
26. PAINTS, PAINT MATERIAL OR PUTTY, as listed under that heading in Items Nos. 35175 through 35420 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.
27. 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.
28. 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.

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29. PRINTED MATTER, as listed under that heading in Items Nos. 37390 through 37460 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.
30. STATIONERY, as listed under that heading in Items Nos. 41203 through 41290 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.
31. TOOLS OR PARTS NAMED, as listed under that heading in Items Nos. 42110 through 43105 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.
32. MISCELLANEOUS COMMODITIES, VIZ.:
- Bicycles
  - Brake fluid
  - Buffing or polishing compounds
  - Carts, hand
  - Clocks
  - Cloths or rags, wiping
  - Coolers, auto
  - Deodorants and disinfectants, other than Medicinal and other than Toilet Preparations
  - Ladders, aluminum, steel or wood
  - Silver plated ware, not on silver
  - Soap
  - Tires, pneumatic
  - Tubes, rubber
  - Tool stands, or tool stands and work tables combined

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between:

All points and places within the following described area:

Beginning at the intersection of Sunset Boulevard and U. S. Highway 101, Alternate; thence northeasterly along Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway 118 to and including the City of Pasadena; southerly on Rosemead Boulevard to the Whittier Narrows Dam; easterly along the Whittier Narrows Dam to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Carson Street; easterly on Carson Street to the Los Angeles County-Orange County boundary line; southerly along said county line to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway 101, Alternate; thence northerly along an imaginary line to the point of beginning.

End of Appendix A

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