

ORIGINAL

Decision No. 53647

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SIGOURNEY V. HURD, an individual)
doing business as NILSSON TRANSFER)
COMPANY, for a certificate of public)
convenience and necessity authoriz-)
ing operations as a highway common)
carrier between Stockton and Merced)
and certain nearby points.)

Application No. 36214

O P I N I O N

Sigourney V. Hurd 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 plumbing supplies, pipe, hardware, sheet metal, steel in bars and rods, and several other specific commodities,

- (1) Between Stockton and Gustine via U. S. Highway No. 50 from Stockton to Tracy, thence via unnumbered highways to State Highway 33, thence via State Highway 33 to Gustine;
- (2) Between Stockton and Merced via U. S. Highway No. 99, serving off-route points within five miles laterally from U. S. Highway No. 99;
- (3) Between Stockton and Oakdale, via unnumbered highway and State Highway 120, serving the off-route point of Riverbank;
- (4) Between Stockton and Lodi, via U. S. Highway No. 99;
- (5) Between Stockton and Lockeford via State Highway No. 88;

serving all intermediate 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 Sigourney V. Hurd, 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 and over the routes 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

Sigourney V. Hurd, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. CONDUITS, PIPE, SMOKESTACKS, TUBING OR FITTINGS, OTHER THAN CLAY, CONCRETE OR EARTHEN, as listed under that heading in Items Nos. 13205 through 13755 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.
2. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS, 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.
3. 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.
4. 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.
5. PLUMBERS' GOODS, OR BATHROOM OR LAVATORY FIXTURES, as listed under that heading in Items Nos. 36560 through 37010 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 48 thereto.

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Decision No. 53647, Application No. 36214.

6. MISCELLANEOUS COMMODITIES, VIZ.:
- Bars or rods, iron or steel
 - Burners
 - Cement, pipe fitting
 - Coolers, water
 - Flanges
 - Garden tools
 - Heaters, gas or electric
 - Heaters, water
 - Household goods
 - Plates or sheets, iron or steel
 - Sheet metal
 - Solder

between:

- A. Stockton and Modesto and intermediate points via U. S. Highway 99.
- B. Stockton, on the one hand, and Tracy, on the other hand, including the off-route point of Banta, via U. S. Highway 50.

The authority set forth in paragraph B 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 authorities hereinabove set forth in A and B.

End of Appendix A

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