

Decision No. 53654**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOSEPH L. BONITA, an individual, doing)
 business as AVON EXPRESS, for a certif-)
 icate of public convenience and)
 necessity extending its operations as a)
 common carrier for the transportation)
 of property.)

Application No. 36445

O P I N I O N

Joseph L. Bonita is engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing him to extend his service as a highway common carrier generally from Banning to Thermal, and from his Los Angeles area to Santa Ana, including 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 as set forth in the ensuing order. Such order will also restate applicant's highway common carrier operative authority. 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 Joseph L. Bonita, 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.

(3) That the operative right granted by Decision No. 49325, dated November 10, 1953, in Application No. 33690, is cancelled simultaneously with the making of the filings required by and pursuant to the provisions of paragraphs (1) and (2) hereof.

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

Joseph L. Bonita, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. 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.
2. 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.
3. GRAIN, as listed under that heading in Items Nos. 21640 through 21847 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.
4. INSECTICIDES OR FUNGICIDES, AGRICULTURAL, as listed under that heading in Items Nos. 24505 through 24572 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplement No. 46 thereto.
5. MACHINERY OR MACHINES, VIZ.:
Pumps
Refrigeration units
6. PAINT, 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.
7. SEEDS, as listed under that heading in Items Nos. 39865 through 40175 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.

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8. TOOLS, VIZ.:
Mechanics, hand
Garden, hand
9. MISCELLANEOUS COMMODITIES, VIZ.:
Pipe or Fittings, iron or steel
Sheet metal products

between the points and over the routes as follows:

- A. Between Riverside, and Indio, via State Highway 18, from Riverside to San Bernardino; thence along U. S. Highway 70-99 to junction with State Highway 111; thence along State Highway 111 to Indio, including intermediate points along, and points laterally within 3 miles of, said highways.
- B. Between Riverside, and that portion of the City of Los Angeles bounded on the west by Western Boulevard; on the south by Imperial Boulevard; on the north by North Figueroa Street and Pasadena Avenue; and on the east by Los Angeles City Limits, and hereinafter designated as the Los Angeles area, via:
 1. State Highway 18, from Riverside to junction State Highway 71, near Corona; thence via U. S. Highway 71 to junction "unnumbered" highway; thence to junction with U. S. Highway 99; thence along U. S. Highway 70-99 to the Los Angeles area;
 2. U. S. Highway 60, from Riverside to junction with U. S. Highway 70-99 at Pomona;
 3. Unnumbered highway, from Riverside to Bloomington and Rialto.
 4. U. S. Highway 91 and State Highway 18 to Anaheim; thence along U. S. Highway 101 to the Los Angeles area.
 5. State Highway 18 from Riverside to San Bernardino, thence along U. S. Highway 66 to the Los Angeles area, including intermediate points along, and points laterally within 3 miles of, said highways.

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- C. Between Elsinore, Hemet and the Los Angeles area via U. S. Highway 395 and State Highway 74 to Riverside, thence via U. S. Highways 60, 70-99 to the Los Angeles area, including intermediate points along, and points laterally within 3 miles of, said highways 395 and 74.
- D. Between Yucaipa and the Los Angeles area via unnumbered highways to junction with U. S. Highway 99, thence via U. S. Highway 70-99 to the Los Angeles area, including intermediate points along, and points laterally within 3 miles of, said unnumbered highways.

End of Appendix A

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