

**ORIGINAL**Decision No. 53729

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 ELWOOD H. HORTON and HAROLD H. NEWSOM,  
 a partnership, doing business as  
 CONTRA COSTA DELIVERY SERVICE, for a  
 certificate of public convenience and  
 necessity to operate as a highway  
 common carrier between San Francisco,  
 Oakland, Hayward, Clayton, Dublin,  
 Antioch, Martinez and intermediate  
 points. )

Application No. 36221

O P I N I O N

Elwood H. Horton and Harold H. Newsom are engaged in the transportation of property in California pursuant to a permit issued by this Commission.

Applicants seek an order authorizing them to conduct service as a highway common carrier for the transportation of general commodities between San Francisco, Oakland, Antioch, Clayton, Dublin, Martinez, Vallejo, Moraga, Mt. Diablo State Park, San Lorenzo, San Pablo, Hayward, Castro Valley, and all points intermediate thereto and between said 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 applicants possess the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein. A public hearing is not necessary.

Applicants are 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 Elwood H. Horton and Harold H. Newsom, authorizing them 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, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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 11<sup>th</sup> day of SEPTEMBER, 1956.

*[Signature]*  
President  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners

Elwood H. Horton and Harold H. Newsom, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport the following commodities:

1. 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.
2. ELECTRICAL APPLIANCES OR EQUIPMENT, VIZ.:  
Fuses  
Insulators  
Sockets  
Switches
3. 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.
4. GROCERIES AND GROCERS' SUPPLIES, as listed under that heading in Item No. 360 on Fifth Revised Page 38 of Minimum Rate Tariff No. 2.
5. 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.
6. LAMPS, LANTERNS OR LIGHTING FIXTURES OR PARTS NAMED, VIZ.:  
Lamps, electric  
Lighting fixtures or parts, electric or gas
7. SHEET STEEL WARE, as listed under that heading in Items Nos. 40245 through 40490 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. TOOLS OR PARTS, 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.
9. MISCELLANEOUS COMMODITIES VIZ.:
- Bicycles
  - Cement, rubber
  - Chinaware
  - Cloth or paper, abrasive
  - Clothing
  - Fishing rods
  - Flowers, fresh, cut
  - Meat, cooked, cured or preserved
  - Paint
  - Plaster of Paris
  - Rifles or pistols, air
  - Screens, window

between:

- A. Walnut Creek, on the one hand, and Lafayette, Concord, Pleasant Hills, Orinda, Alamo, Saranap, Martinez and Oakland, on the other hand.
- B. Oakland, on the one hand, and Concord, Lafayette, Orinda and Pittsburg, on the other hand.
- C. Orinda, on the one hand, and Lafayette, on the other hand.

Such authorities do not include the right to render service to, from, or between intermediate points.

End of Appendix A

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