

ORIGINALDecision No. 53773

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ROBERT B. IRWIN, an individual doing)
 business under the firm name and style)
 of BOB'S TRANSPORTATION COMPANY and)
 JAMES E. PRICE, JR., an individual)
 doing business under the firm name and) Application No. 36171
 style of BOB'S TRANSPORTATION COMPANY,)
 successor in interest to ROBERT B.)
 IRWIN, an individual doing business under)
 the firm name and style of BOB'S TRANS-)
 PORTATION COMPANY, to operate a Highway)
 Common Carrier Service.)

O P I N I O N

James E. Price, Jr., is engaged in the transportation of property in California pursuant to permits issued him 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 Los Banos, Merced and Bakersfield and points up to 25 miles radially and laterally.

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 James E. Price, Jr., 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 14th day of SEPTEMBER, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners

James E. Price, Jr., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. CEREAL FOOD PREPARATIONS, as listed under that heading in Items Nos. 9835 through 9915 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.
2. 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.
3. MISCELLANEOUS COMMODITIES, VIZ.:
Bottles, carboys, demijohns, or jars
Milk, condensed or evaporated
Liquors, alcoholic
Notions
Salt, epsom
Tissue, cleaning

between:

- A. Fresno, on the one hand, and points on U. S. Highway 99 between Fresno and Bakersfield (including points 25 miles laterally of such portion of U. S. Highway 99).
- B. Fresno, on the one hand, and Coalinga and Avenal, on the other hand.

The authority set forth in paragraph B does not include the right to render service to, from or between intermediate points.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 53773, Application No. 36171.