

Decision No. 53879**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RAY F. MAHER, doing business as)
 EAST BAY DELIVERY CO., a sole) Application No. 36093
 proprietorship, for a certificate)
 of public convenience and necessity)
 as a highway common carrier.)

O P I N I O N

Ray F. Maher 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, generally between various East Bay points and Vallejo, Crockett, Martinez, Pittsburg, San Leandro, Hayward and Livermore, and 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 Ray F. Maher, 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 9th day of OCTOBER, 1956.

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

Ray F. Maher, 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. CELLULOSE DERIVATIVE PLASTICS, as listed under that heading in Items Nos. 9655 through 9685 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplement No. 41 thereto.
3. 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.
4. 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.
5. 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.
6. PRINTERS' EQUIPMENT, FURNITURE OR SUPPLIES, as listed under that heading in Items Nos. 37465 through 37655 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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7. MISCELLANEOUS COMMODITIES, VIZ.:
- Boot or shoe findings
 - Broilers, cookers or roasters, electric
 - Brushes.
 - Compounds, cleaning or scouring, liquid
 - Cotton piece goods
 - Lamps, electric
 - Paint
 - Roasters, meat
 - Sealing tape, cloth or paper combined, gummed
 - Shafts, steel
 - Wall paper
 - Wire

between:

- A. Oakland, on the one hand, and points on U. S. Highway 40 between Emeryville and Vallejo, both inclusive, and including Benicia and Alameda, on the other hand.
- B. Oakland, on the one hand, and Martinez, Lafayette, Walnut Creek, Orinda, Concord, Pittsburg and Antioch, on the other hand.
- C. Oakland and Berkeley, on the one hand, and San Leandro, San Lorenzo, Castro Valley, Hayward, Pleasanton, Livermore, Centerville, Niles and Newark, on the other hand.

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth at A, B, and C.

End of Appendix A

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