

ORIGINAL

Decision No. 54042

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BENJAMIN S. GOLDBERG and W. EARL)
GOLDBERG, co-partners, doing business)
as FILM TRANSPORT CO. OF CALIFORNIA,)
for a certificate of public conven-)
ience and necessity to operate as a)
highway common carrier of general)
commodities with some exceptions)
between various points and places in)
Southern California.)

Application No. 35925

Glanz & Russell by Arthur H. Glanz, for
applicant.
H. J. Bischoff, for Southern California Freight
Lines and Southern California Freight
Forwarders, and Turcotte & Goldsmith by
F. W. Turcotte, for Thompson Truck Lines,
protestants.

O P I N I O N

Benjamin S. Goldberg and W. Earl Goldberg are engaged in the transportation of property in California pursuant to a permit and certificates of public convenience and necessity 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 the points which they are presently authorized to serve as a highway common carrier for the transportation of specific commodities.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

A public hearing was held at Los Angeles on September 25, 1956 before Examiner Carl Silverhart.

Protestants did not offer any testimony but engaged in cross-examination of applicants.

Upon consideration of the allegations of the application, the representations filed pursuant to the above-mentioned notice and the evidence adduced at the hearing, the Commission finds that public convenience and necessity require that the application be granted as 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.

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

A public hearing having been held and based upon the evidence therein adduced and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Benjamin S. Goldberg and W. Earl Goldberg, 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 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, applicants 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, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

(3) That the highway common carrier operative rights granted by Decision No. 43160, dated July 26, 1949, in Application No. 30302, and Decision No. 45421, dated March 6, 1951, in Application No. 31950, are cancelled simultaneously with the making of the filings required by and pursuant to the provisions of paragraph (2) hereinabove set forth.

The effective date of this order shall be ninety days after the date hereof.

Dated at San Francisco, California, this 5th day of November, 1956.

[Signature]

 President
[Signature]

[Signature]

 Commissioners

-3- Commissioner [Signature] did not participate in the disposition of this proceeding.

Benjamin S. Goldberg and W. Earl Goldberg, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between Los Angeles, on the one hand, and on the other hand, all points and places in the following service territories:

1. El Toro Service Territory: All points within three miles on either side of U. S. Highway 101 in and between Whittier and El Toro, and within three miles on either side of unnumbered county highway connecting Santa Ana and Garden Grove, including the portions of said county highway in said Santa Ana and Garden Grove.
2. San Ysidro Service Territory: All points within three miles on either side of U. S. Highway 101-A and U. S. Highway 101, in and between Huntington Beach and San Ysidro.
3. March Field Service Territory: All points within three miles on either side of California Highway 18, and in and between Anaheim and Corona; within three miles on either side of California State Highway 71 in and between Corona and Elsinore; within three miles on either side of U. S. Highway 395 in and between Elsinore and Perris; within three miles on either side of California State Highway 74 in and between Perris and Hemet; within three miles on either side of California State Highway 79 and unnumbered county highways in and between Hemet, Moreno and March Field; and within three miles on either side of U. S. Highway 395 in and between March Field and Perris.
4. Oceanside Service Territory: All points within three miles on either side of U. S. Highway 80 in and between San Diego and El Cajon; within three miles on either side of unnumbered county highways connecting El Cajon and Ramona including the portions of said highways in said El Cajon and

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Ramona; within three miles on either side of California State Highway 78 in and between Ramona and Escondido; within three miles on either side of U. S. Highway 395 in and between Escondido and Vista; and within three miles on either side of California State Highway 78 and U. S. Highway 101 in and between Vista and Oceanside.

5. Brawley Service Territory: All of the City of San Diego and all points within three miles on either side of U. S. Highway 80 in and between San Diego and El Centro, within three miles on either side of U. S. Highway 99 in and between El Centro and Calexico; within three miles on either side of the unnumbered county highways connecting Calexico, Westmoreland, and Holtville including the portions of said highways in said Calexico, Westmoreland, and Holtville; and within three miles of U. S. Highway 99 in and between Westmoreland, Brawley, and El Centro.
6. Indio Service Territory: All points within three miles on either side of U. S. Highway 60 in and between Beaumont and Indio; and within three miles on either side of California State Highway 111 in and between Whitewater and Indio.
7. San Diego-Brawley Service: San Diego, on the one hand, and, on the other hand, points and places in the Brawley service territory above described at paragraph 5.

The authorities hereinabove set forth at numbers 1 through 7 do not include the right to render service to, from or between intermediate points. Applicants shall not establish through routes and joint rates, charges and classifications as to said separate authorities above set forth at 1 through 7 hereof.

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Applicants shall conduct operations over and along:

Route No. 1, Serving El Toro Service Territory:

From Los Angeles to El Toro over and along U. S. Highway 101, and from Santa Ana to Garden Grove over and along unnumbered county highways.

Route No. 2, Serving San Ysidro Service Territory:

From Los Angeles over and along Washington Boulevard, California State Highway 19, U. S. Highway 101-A, U. S. Highway 101 to San Ysidro.

Route No. 3, Serving March Field Service Territory:

From Anaheim over and along California State Highway 71 to Elsinore, over and along U. S. Highway 395 to Perris, along California State Highway 74 to Hemet, over and along California State Highway 79 and unnumbered county highways through Moreno to March Field and over and along U. S. Highway 395 to Perris.

Route No. 4, Serving Oceanside Service Territory:

From San Diego over and along U. S. Highway 80 to El Cajon, over and along unnumbered county highways to Ramona, over and along California State Highway 78 to Escondido, over and along U. S. Highway 395 through Vista, and over and along U. S. Highway 101 to Oceanside.

Route No. 5, Serving Brawley Service Territory:

From San Diego over and along U. S. Highway 80 to El Centro, U. S. Highway 99 to Calexico, over and along unnumbered county highways through Holtville and Calipatria to Westmoreland, thence along U. S. Highway 99 through Brawley to El Centro.

Route No. 6, Serving Indio Service Territory:

From Los Angeles over and along U. S. Highway 60 to Indio, and California State Highway 111 from Indio to Whitewater.

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Route No. 7, Serving San Diego-Brawley Service Territory:

Via Route No. 5 hereinabove defined.

Applicants shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles; automobile chassis; trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

End of Appendix A

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