

Decision No. 54046**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 W. HAROLD FINLEY, an individual,)
 doing business as W. HAROLD FINLEY,)
 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. 35948

Glanz & Russell by Arthur H. Glanz, for
 applicant.
A. R. Reader, for Desert Express, Southern
 California Freight Lines and Southern
 California Freight Forwarders, protestants.

O P I N I O N

W. Harold Finley 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, generally between Los Angeles and Tustin, and agricultural commodities, citrus packing or processing equipment and school supplies between all points in Ventura, Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial Counties.

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 26, 1956 before Examiner Carl Silverhart.

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

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 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.

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

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 W. Harold Finley, 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.

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]
[Signature]

Commissioners

Commissioner C. Lynn Fox did not participate in the disposition of this proceeding.

W. Harold Finley, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. MACHINERY OR MACHINES, OR PARTS NAMED, VIZ.:
 - Blades, or cutting edges, grader or scraper
 - Garden tractors
 - Rollers, road
 - Scarifiers
 - Scrapers
 - Shovels, power
 - Traction or Tractors, steam or internal combustion
 - Tractor or truck loading attachments
 - Trench excavating machines

PETROLEUM OR PETROLEUM PRODUCTS, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, in packages, as listed in Items Nos. 36390 through 36465 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.

ROOFING, BUILDING OR PAVING MATERIALS, as listed under that heading in Item No. 1110 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.

MISCELLANEOUS COMMODITIES, VIZ.:

- Barrels, shipping, iron or steel
- Fruits, fresh or green (not cold pack or frozen)
- Pallets, platforms or skids, for lift trucks, iron, steel or wood
- Vegetables, fresh or green (not cold pack or frozen)

BETWEEN

Los Angeles and Tustin and intermediate points via U. S. Highways 101 and 101 Bypass.

2. FRUITS, FRESH OR GREEN (not cold pack or frozen)

BETWEEN

Santa Paula, Fillmore, Santa Susanna, Placentia, Piru, Camarillo, Ojai, Ventura, Montalvo, Oxnard and Point Mugu, on the one hand, and Santa Ana and Ontario, on the other hand.

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3. FRUITS, FRESH OR GREEN (not cold pack or frozen)

BETWEEN

Escondido, El Cajon, on the one hand, and
Ontario, on the other hand.

The authority set forth in paragraphs 2 and 3 does not include the right to render service to, from or between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications, as to the separate authorities hereinabove set forth in paragraphs 1, 2 and 3.

End of Appendix A

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