

Decision No. 54200**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 WILLIAM M. CLAYPOOL, JR., ARIMA W.)
 CLAYPOOL, FRANCES C. BOOM, HERBERT B.)
 BOOM, COURTNEY H. BOOM, WILLIAM M.)
 CLAYPOOL III, JOHN W. CLAYPOOL, JAMES)
 B. CLAYPOOL, ELIZABETH BARROWS, and)
 JANE JOHNSTON, copartners, doing)
 business as CLAYPOOL & CO., for a)
 certificate of public convenience and)
 necessity to operate as a highway)
 common carrier of general commodities)
 with some exceptions between various)
 points and places in Southern)
 California pursuant to Sections 1063-)
 1064 of the Public Utilities Code.)

Application No. 35945

Glanz & Russell by R. Y. Schureman, for
 applicants.

Turcotte & Goldsmith by T. W. Turcotte,
 for Broomcrist and Wiedeman, protestant.

O P I N I O N

William M. Claypool, Jr., Arima W. Claypool, Frances C. Boom, Herbert B. Boom, Courtney H. Boom, William M. Claypool III, John W. Claypool, James B. Claypool, Elizabeth Barrows and Jane Johnston are engaged in the transportation of property in California pursuant to permits 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 Bernardino and Needles.

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 John Power.

The underlying documents for a traffic study (Exhibit No. 1) were not available at the hearing. On order of the presiding examiner they were made available subsequently. One protestant

subsequently filed a petition to have the matter reopened to receive a sworn statement of its attorney based on such subsequent inspection. The right to make such a statement was reserved by the examiner at the hearing and no motion is necessary. The sworn statement and applicants' reply will be considered as part of the record.

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 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 adduced therein and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to William M. Claypool, Jr., Arima W. Claypool,

Frances C. Boom, Herbert B. Boom, Courtney H. Boom, William M. Claypool III, John W. Claypool, James B. Claypool, Elizabeth Barrows and Jane Johnston, 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.

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

Dated at Los Angeles, California, this 4th day of DECEMBER, 1956.

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

William M. Claypool, Jr., Arima
W. Claypool, Frances C. Boom,
Herbert B. Boom, Courtney H.
Boom, William M. Claypool III,
John W. Claypool, James B.
Claypool, Elizabeth Barrows and
Jane Johnston

William M. Claypool, Jr., Arima W. Claypool, Frances C. Boom, Herbert B. Boom, Courtney H. Boom, William M. Claypool III, John W. Claypool, James B. Claypool, Elizabeth Barrows and Jane Johnston, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between San Bernardino, on the one hand, and points on U. S. Highway No. 66 between Ludlow and Needles, both inclusive, on the other hand.

The authority herein granted does not include the right to serve to, from or between intermediate points.

Applicant 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.

Issued by California Public Utilities Commission.

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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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