

Decision No. 54285

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MERRIFIELD TRUCKING COMPANY, a)
corporation, for a certificate of)
public convenience and necessity to)
operate as a highway common carrier)
of special commodities with some)
exceptions between various points)
and places in Southern California.)

Application No. 35915

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

M. J. Bischoff, for Southern California Freight Lines and Southern California Freight Forwarders; Frederick W. Mielke, for Delta Lines, Inc.; A. R. Reader, for Desert Express; C. A. Millen, for Kings County Truck Lines; and Willard S. Johnson, for J. Christenson Co., Ted Peters Trucking Company, Inc., and J. A. Nevis Trucking, Inc.; protestants.

O P I N I O N

Merrifield Trucking Company, a corporation, is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of specified commodities between San Francisco-Sacramento and the Mexican border.

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.

Protestants offered no direct testimony but participated in development of the record through cross-examination.

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 adduced therein and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Merrifield Trucking Company, a corporation, authorizing it 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 and Appendix B 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 it will be required, among other things, to file annual reports of its 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 DECEMBER, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

Merrifield Trucking Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. BARRELS, DRUMS, PAILS OR TUBS, as listed under that heading in Items Nos. 10075 through 10241 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

BOXES OR CRATES, INCLUDING FIBREBOARD, PAPER OR PULPBOARD BOTTLES OR CANS, as listed under that heading in Items Nos. 13845 through 14646 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

CONTAINERS, SEBEL, IRON OR STEEL, SET UP (WITH OR WITHOUT THEIR EQUIPMENT OF BAILS, HANDLES, COVERS, BUNGS OR NOZZLES), as listed under that heading in Items Nos. 30530 through 30565 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 39410 through 41090 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof, except sugar, liquid.

GLASSWARE, VIZ.:

Bottles, carboys, demijohns or jars

MACHINERY OR MACHINES, OR PARTS NAMED, as listed under that heading in Items Nos. 58470 through 67391 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

MISCELLANEOUS COMMODITIES, VIZ.:

Bottles, synthetic plastic

Carbon dioxide, solidified (dry ice)

Compounds, buffing or polishing

Compounds, cleaning, scouring or washing

Feed, animal or poultry, prepared

Meats, animal, including horse meat, fresh

Meats, fresh, in carcasses or part carcasses,
loose or in packages

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MISCELLANEOUS COMMODITIES, VIZ.: (continued)

Pallets, platforms or skids, for lift trucks
Soap
Starch
Water softening compounds, not medicated or perfumed
Ice

between:

All points and places on or within 20 miles laterally of any of the following highways, namely:

- (a) U. S. Highways Nos. 101, 101-A and 101 Bypass between Santa Barbara and San Clemente, both inclusive.
- (b) U. S. Highway No. 99 between Redlands and San Fernando, both inclusive.

2. FRUITS AND VEGETABLES, FRESH OR GREEN, COLD PACK OR FROZEN

between:

- (a) The points and places designated in paragraph 1 above, on the one hand, and San Diego and all points and places within the San Francisco Territory as described in Appendix B hereof, on the other hand.
- (b) All points and places within the San Francisco Territory as described in Appendix B hereof, on the one hand, and San Diego, on the other hand.

3. SUGAR, EXCEPT LIQUID SUGAR, between Carlton, Betteravia, Spreckels, on the one hand, and the points and places designated in paragraph 1 above, on the other hand.

4. LUMBER between Long Beach, Wilmington and San Pedro, on the one hand, and points in Orange County, on the other hand.

The authorities hereinabove set forth in paragraphs 2, 3 and 4 do not include the right to render service to, from or between intermediate points.

End of Appendix A

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APPENDIX B TO DECISION NO. 54285

SAN FRANCISCO TERRITORY includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.