

ORIGINAL

Decision No. 54451

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
W. H. WISEMAN, doing business as)
NAVAJO TRUCKING CO., for a certificate)
of public convenience and necessity)
to operate as a highway common car-)
rier between Oakland, San Francisco,)
San Pablo, San Jose and intermediate)
points.)

Application No. 36213

Marquam C. George, for applicant.
Daniel W. Baker and Marvin Handler, for F. J.
Burns Draying and Peninsula Motor Express;
Bertram S. Silver and Bruce R. Geernaert,
for Highway Transport, Inc.; protestants.

O P I N I O N

W. H. Wiseman is engaged in the transportation of property in California pursuant to a permit 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 points in the San Francisco Territory.

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

A public hearing was held on October 29, 1956 at San Francisco 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. H. Wiseman, 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 Los Angeles, California, this 29th day of JANUARY, 1957.

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

W. H. Wiseman, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities;

1. CONDUITS, PIPE, SMOKESTACKS, TUBING OR FITTINGS, OTHER THAN CLAY, CONCRETE OR EARTHEN, VIZ.:
Pipe fittings
Pipe or tubing
2. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, as listed under that heading in Items Nos. 34020 through 35430 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
3. HARDWARE, as listed under that heading in Items Nos. 48640 through 51180 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
4. IRON OR STEEL, as listed under that heading in Items Nos. 53610 through 55290 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
5. MACHINERY OR MACHINES, OR PARTS NAMED, VIZ.:
Bearings, ball or roller
Bushings, ball or roller
Pillow blocks
6. PAINTS, PAINT MATERIAL OR PUTTY, as listed under that heading in Items Nos. 74750 through 75200 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
7. TOOLS, OR PARTS NAMED, VIZ.:
Bits, drill or auger
8. MISCELLANEOUS COMMODITIES, VIZ.:
Aluminum, plate or sheet
Drums, shipping, iron or steel
Gaskets, rubber

Issued by California Public Utilities Commission.

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between:

San Francisco, Oakland and Emeryville, on the one hand,
and points on U. S. Highways 101 and 101-Bypass between
San Francisco and San Jose, inclusive, on the other
hand.

Such authority does not include the right to render
service to, from or between intermediate points.

End of Appendix A

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