

ORIGINALDecision No. 54488

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 William R. Johnson and Roy L. Johnson,)
 partnership doing business as J & J)
 TRUCK LINE, for a certificate of)
 public convenience and necessity to) Application No. 36215
 operate as a highway common carrier)
 between San Pablo, Salinas, Santa)
 Cruz, Monterey, Pacific Grove and)
 intermediate points.)

Marquam C. George, for applicant.
Bruce R. Geernaert and Edward M. Berol, for
 Highway Transport, Inc., and Daniel W.
Baker and Marvin Handler, for Peninsula
 Motor Express and F. J. Burns Draying,
 protestants.

O P I N I O N

William R. Johnson and Roy L. Johnson are engaged in the transportation of property in California pursuant to a permit 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 Pablo, Salinas, Santa Cruz, Monterey, Pacific Grove and Hollister and all intermediate points over various highways.

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

A public hearing was held at San Francisco on October 31, 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 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 R. Johnson and Roy L. Johnson, 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 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 San Francisco, California, this 5th day of FEBRUARY, 1957.

John E. ...
 President
Roy ...
R. ...
T. ...

Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.

William R. Johnson and Roy L. Johnson, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport the following commodities:

1. ADVERTISING MATTER, as listed under that heading in Items Nos. 2485 through 2690 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
2. AUTOMOBILE PARTS OR ACCESSORIES, as listed under that heading in Items Nos. 8110 through 9240 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
3. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, VIZ.:
Armatures
Batteries, electric
Circuit breakers or switches
Generators or motors, or parts thereof
4. IRON OR STEEL, VIZ.:
Bolts or nuts
Fence gates
Fence post fixtures, wire fence, consisting of brace collars, brace plates, brace rods, face plates, spreaders, tops, caps, clamps, clips and extension arms, or wire fence stays
Fence posts, clothes post or sign posts
Fencing, in panels
Fencing, wire and iron or steel combined
5. 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.
6. PAPER, as listed under that heading in Items Nos. 75260 through 75871 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

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7. PAPER ARTICLES, as listed under that heading in Items Nos. 75890 through 76980 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
8. RUBBER, ARTIFICIAL, GUAYULE, NATURAL, NEOPRENE OR SYNTHETIC, VIZ.:
Tire boots, patches, reliners, shoes or treads
Tire tubes
Tires
9. MISCELLANEOUS COMMODITIES, VIZ.:
Boxes, fibreboard, without wooden frames
Brake fluid
Cleaning, scouring or washing compounds
Conveyor belts
Radiators, engine cooling
Welding bars, rods or wires

between:

San Leandro, Berkeley, Oakland and Mulford, on the one hand, and points on U. S. Highways 101 and 101-Bypass between South San Francisco and San Jose, both inclusive, Freedom, Santa Cruz, Watsonville, Gilroy, Salinas, Monterey, Seaside and Castroville, all 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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