

ORIGINAL

Decision No. 54493

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 NORMAN L. SCHLAGEL, doing business as)
 NORM'S TRUCKING SERVICE, for a) Application No. 35953
 certificate of public convenience)
 and necessity to operate a highway)
 common carrier service.)

J. Richard Townsend and Bernard C. Kearns,
 for applicant.
Bruce R. Geernaert, for Highway Transport,
 Inc., and Daniel W. Baker, for Peninsula
 Motor Express and F. J. Burns Draying,
 protestants.

O P I N I O N

Norman L. Schlagel 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 between San Francisco, San Jose and intermediate points.

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 30, 1956 before Examiner John Power.

Protestants introduced no evidence of their own but cross-examined 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 adduced therein and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Norman L. Schlagel, 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 FEBRUARY, 1957.

Robert E. Mitchell
President

Ralph L. ...

R. ...

E. ...

Commissioners

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

Norman L. Schlagel, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. BOILERS, FURNACES, RADIATORS, STOVES, RELATED ARTICLES OR PARTS NAMED, VIZ.:

Furnaces, house heating, hot air
Heaters, water
2. CONDUITS, PIPE, SMOKESTACKS, TUBING OR FITTINGS, OTHER THAN CLAY, CONCRETE OR EARTHEN, as listed under that heading in Items Nos. 29500 through 30400 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
3. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, as listed under that heading in Items Nos. 34020 through 35405 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
4. PLUMBERS' GOODS, OR BATHROOM OR LAVATORY FIXTURES, as listed under that heading in Items Nos. 77890 through 78771 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
5. TOOLS, OR PARTS NAMED, as listed under that heading in Items Nos. 89950 through 91970 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

BETWEEN:

San Francisco, San Jose and points within 10 miles of the corporate limits of San Jose and points on U. S. Highways 101 and 101-Bypass intermediate between San Francisco and San Jose.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 54493, Application No. 35953.