

ORIGINALDecision No. 54517

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 John E. Duckett, doing business as)
 WHITE'S TRUCK SERVICE, for a certifi-)
 cate of public convenience and)
 necessity to operate as a highway) Application No. 36224
 common carrier between Oakland,)
 San Francisco, Los Angeles Territory,)
 Sacramento, Stockton and intermediate)
 points.)

Marquam C. George, for applicant.
Daniel W. Baker and Marvin Handler, for Lodi Truck
 Service, Warren Transportation Co., F. J. Burns
 Draying, Peninsula Motor Express, and Doudell
 Trucking Co.; Frederick W. Mielke, for Delta
 Lines, Inc., California Motor Express, Ltd.,
 California Motor Transport Co., Ltd., Valley
 Motor Lines, Inc., and Valley Express Co.; and
Bruce R. Geernaert and Edward M. Berol, for
 Highway Transport Service; protestants.

O P I N I O N

John E. Duckett 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 between Oakland, San Francisco, Sacramento, Stockton, Los Angeles Territory 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 November 23, 1956 before Examiner Carl Silverhart.

Protestants did not present 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 adduced therein and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to John E. Duckett, 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 11th day of FEBRUARY, 1957.

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

John E. Duckett, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. CARRIERS, SHIPPING, VIZ.:
Cylinders
2. CHEMICALS, VIZ.:
Magnesium oxide
3. CHINAWARE, EARTHENWARE, OR POTTERY, as listed under that heading in Items Nos. 26660 through 26760 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
4. CONTAINERS, SHEET, 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.
5. GLASSWARE, as listed under that heading in Items Nos. 46210 through 46720 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
6. MACHINERY OR MACHINES, OR PARTS NAMED, VIZ.:
Bearings
7. PAPER ARTICLES, VIZ.:
Envelopes
8. PLUMBERS' GOODS, OR BATHROOM OR LAVATORY FIXTURES, VIZ.:
Sinks
9. SHEET STEEL WARE, as listed under that heading in Items Nos. 85515 through 86010 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

Issued by California Public Utilities Commission.

Decision No. 54517, Application No. 36224.

10. MISCELLANEOUS COMMODITIES, VIZ.:
- Boxes, fibreboard, without wooden frames
 - Candles
 - Compounds, cleaning, scouring or washing
 - Crates, wooden
 - Life preservers
 - Lift trucks, hand
 - Paint removing compound
 - Soap
 - Stove or range parts
 - Twine
 - Wine
 - Wire

BETWEEN:

- A. San Francisco, on the one hand, and Los Angeles, Sacramento and Stockton, on the other hand.
- B. San Francisco, on the one hand, and points on U. S. Highways 101 and 101 Bypass, between San Francisco and San Jose, including San Jose, on the other hand.

The authority set forth above in paragraph A does not include the right to render service to, from or between intermediate points.

The authority set forth above in paragraph B does not include the right to render service between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in paragraphs A and B.

End of Appendix A

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Decision No. 54517, Application No. 36224.