

**ORIGINAL**Decision No. 54530

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GEORGE C. SMITH, JR., an individual, )  
 doing business as SMITH TRANSPORTATION )  
 CO., for an in lieu certificate of )  
 public convenience and necessity to )  
 operate as a highway common carrier )  
 of general commodities with some )  
 exceptions between various points )  
 and places in Southern California, )  
 pursuant to Section 1063, Public )  
 Utilities Code of California. )

Application No. 36359

Glanz & Russell by Theodore W. Russell, for  
 applicant.

John B. Robinson, for Southern California  
 Freight Lines and Southern California  
 Freight Forwarders, interested parties.

O P I N I O N

George C. Smith, Jr., is engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued by this Commission.

Applicant seeks an order authorizing him to extend his service as a highway common carrier so as to transport general commodities, with certain exceptions in a southbound as well as in a northbound direction, between his northern territory and the Los Angeles Territory, each as more particularly described in the application.

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 December 6, 1956 before Examiner Carl Silverhart.

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 as 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 George C. Smith, Jr., 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 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 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.

(3) That the operative rights granted by Decision No. 46406, in Application No. 30144, are cancelled simultaneously with the making of the filings required by and pursuant to the provisions of paragraph (2)(a)(b) hereinabove set forth.

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

George C. Smith, Jr., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places along U. S. Highway No. 101 and State Highways Nos. 1 and 150, and within a distance of five miles laterally of said highways, between Buellton and Paso Robles (hereinafter called the "Northern Territory"), on the one hand, and all points and places in the Los Angeles Territory, as that territory is described in Appendix B attached hereto, on the other hand. This authority does not include the right to render intermediate service to, from or between the said Northern Territory and the said Los Angeles Territory.

Applicant shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.

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5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

End of Appendix A

Issued by California Public Utilities Commission.

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APPENDIX B TO DECISION NO. 54520

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence north-easterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to, and including the City of Pasadena; easterly along U. S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.