

ORIGINAL

Decision No. 54542

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 A. MEYERS and R. B. MEYERS, co-)
 partners, engaged in business under)
 the firm name of WESTERN TRANSPORTA-) Application No. 36495
 TION COMPANY, for a certificate of)
 public convenience and necessity as)
 a highway common carrier of property.)

Ivan McWhinney, for applicants.
H. J. Bischoff, for Southern California
 Freight Lines, Desert Express, et al.,
 protestants.

O P I N I O N

A. Meyers and R. B. Meyers are engaged in the transporta-
 tion of property in California pursuant to permits issued by this
 Commission.

Applicants seek an order authorizing them to conduct
 service as a highway common carrier for the transportation of
 general commodities within the Santa Barbara-Bakersfield-Redlands-
 Santa Ana-Newport Beach area.

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

Public hearings were held at Los Angeles on September 26,
 1956 and December 7, 1956 before Examiner John Power.

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 A. Meyers and R. B. Meyers, 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 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, 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 19th day of February, 1957.

Robert E. Marshall
President

Raymond J. Lawrence

Michael A. Doble

E. J. Fox

Commissioners

Commissioner Rex Hardy being necessarily absent, did not participate in the disposition of this proceeding.

A. Meyers and R.B. Meyers, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities between all points on or within ten miles (airline distance) laterally of (1) U. S. Highway No. 101A between its junction with U. S. Highway No. 101 near El Rio and Newport Beach; (2) U. S. Highway No. 101 between Santa Barbara and Santa Ana; (3) between Bakersfield and Redlands on U. S. Highway No. 99; (4) State Highway No. 126 between its junctions with U. S. Highway No. 101, near Ventura and U. S. Highway No. 99 near Castaic; (5) U. S. Highway No. 66 between Santa Monica and San Bernardino; (6) Alameda Street between Los Angeles and Wilmington; (7) State Highway No. 19 between Pasadena and Long Beach; and (8) U. S. Highway No. 91 between Long Beach and San Bernardino.

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.

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4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
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

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