

ORIGINALDecision No. 54614

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 RUSS DI SALVO for a certificate of
 public convenience and necessity
 authorizing transportation of property
 as a highway common carrier between
 various points in California.

Application No. 36124

SUPPLEMENTAL OPINION AND ORDER

On April 17, 1956, the Commission granted a certificate to applicant by Decision No. 52905. The points therein granted were stated as follows: "between San Francisco Territory, Los Angeles Territory, Fresno, Stockton and points intermediate to Fresno and Stockton on U. S. Highway No. 99."

Applicant has tendered a tariff publishing rates to a number of points located on U. S. Highway No. 99 between Fresno and Los Angeles. This tender is based on an interpretation of the language above quoted. While the Commission is of the opinion that the operative right is clearly stated there is, apparently, some confusion with reference to it.

The 1953 edition of Webster's New Collegiate Dictionary defines intermediate (as an adjective) as follows: "lying or being in the middle place or degree; between extremes or limits; coming or done between." The Commission interprets "intermediate to Fresno and Stockton on U. S. Highway No. 99" as meaning points located on that highway between Fresno and Stockton. Furthermore the showing made was insufficient to support the granting of a certificate to points south of Fresno or north of Stockton.

It appears that the situation can best be corrected by restating the operative right, Now Therefore,

IT IS ORDERED that Appendix A of Decision No. 52905, Application No. 36124, is amended by incorporating therein First Revised Page 1 and First Revised Page 2.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 5th day of MARCH, 1957

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

Russ Di Salvo, by the certificate of public convenience and necessity granted in the above-numbered decision, is authorized to transport general commodities

- (a) between San Francisco territory and Los Angeles territory, and
- (b) between Stockton, Manteca, Ripon, Salida, Modesto, Ceres, Keyes, Turlock, Delhi, Livingston, Arena, Atwater, Fergus, Merced, Lingard, Athlone, Minturn, Chowchilla, Califa, Fairmead, Berenda, Madera, Borden, Herndon and Fresno and points intermediate thereto on Highway U. S. 99, on the one hand, and San Francisco territory or Los Angeles territory, on the other hand.

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.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles.

Issued by California Public Utilities Commission.

Decision No. 54614, Application No. 36124.

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.
8. Articles of extraordinary value.
9. Fruits, fresh or green (not cold pack or frozen).
10. Vegetables, fresh or green (not cold pack or frozen).

The terms San Francisco Territory and Los Angeles Territory as used in this order mean points and places within the boundaries thereof as delineated on Appendix B hereto attached.

This order does not authorize local service except to the extent applicant already possesses or may hereafter acquire authority to render such service under other decisions. By local service is meant service between two points, both of which are (a) in San Francisco Territory, (b) in Los Angeles Territory or (c) located on U. S. Highway 99 between Stockton and Fresno, inclusive.

Applicant may use any street, road, highway or combination thereof in performance of the service herein authorized.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 54614, Application No. 36124.