

**ORIGINAL**

Decision No. 54615

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
LOM THOMPSON, doing business as )  
Thompson Truck Lines, for an extension )  
of his present Certificates of Public )  
Convenience and Necessity to operate )  
an automobile truck service as a high- )  
way common carrier for the transporta- )  
tion of general commodities between all )  
points and places within Imperial Valley )  
Territory and Los Angeles Territory. )

Application No. 37835

Turcotte & Goldsmith by F. W. Turcotte,  
for applicant.  
Newlin, Tackabury and Johnston by  
Robert H. Ingram, for Railway  
Express Agency, Inc., protestant.

O P I N I O N

Lom Thompson, doing business as Thompson Truck Lines, now operates a highway common carrier service between the Imperial Valley and the Los Angeles Territory and Drayage Area pursuant to authority heretofore granted by this Commission by Decisions Nos. 46185, 46186 and 49114. The certificates of public convenience and necessity heretofore granted authorize the transportation by applicant of an extensive list of commodities including general commodities, south-bound with certain exceptions, and fresh fruits and vegetables, grain and grain products, machinery and parts, uncrated furniture, empty containers, dairy products, farm and agricultural products, fertilizers, bale ties, wraps, boxes, sacks, and other commodities.

Applicant also owns and operates I.V.L.A. Express, Inc., a corporation, operating as a radial highway common carrier, highway contract carrier and city carrier pursuant to permits issued by this

Commission. Applicant testified that the I.V.L.A. Express business will be discontinued in the event that his present highway common carrier authority is enlarged.

By this application authority is sought to enlarge the highway common carrier operating authority so as to permit the transportation of general commodities, except automobiles, livestock, commodities in bulk, commodities requiring special equipment, and used household goods between the Los Angeles Territory, as described in Item 270-3 of Minimum Rate Tariff No. 2, and the cities, towns or communities of Buena Park, Fullerton and Bellflower, on the one hand, and all of that portion of the Imperial Valley in Imperial County, California, which lies west of the Main All American Canal to Coachella Valley, as shown on Exhibit "A" filed with the application, on the other hand.

A public hearing was held in Los Angeles before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced the matter was submitted for decision.

Applicant's financial condition as of September 30, 1956, shows assets of \$491,097.75 and liabilities of \$96,993.25, or a net worth of \$394,104.50. Net income for the nine months ending September 30, 1956, was \$23,955. Applicant is an experienced truck operator and has been conducting his business in Imperial Valley and between said valley and the Los Angeles area, pursuant to permits and certificates of public convenience and necessity, for many years. Applicant owns and operates approximately ninety pieces of equipment of various kinds and employs 79 persons, including 15 line drivers.

It is proposed to operate a daily overnight service except Saturdays, Sundays and holidays. Applicant is a party to Local and Proportional Freight Tariff No. 13-A, Cal. P.U.C. No. 10 of Southwestern Motor Tariff Bureau, J. L. Beeler, Agent, and will

assess rates and charges, and apply the rules and regulations governing said tariff on the additional commodities.

The evidence of record shows that the Imperial Valley has been keeping pace with the gains in population and business activity experienced throughout the State of California and that general commodities are now shipped from as well as to the said valley. Fourteen shippers of general commodities between Imperial Valley points and the Los Angeles area either testified or filed affidavits to the effect that there is a public need for the transportation service as herein proposed by applicant.

No evidence was presented by Railway Express Agency, Inc., and the application was not otherwise opposed.

Having considered the record, we find substantial evidence of public convenience and necessity for the transportation service as proposed. The application will be granted.

As applicant's present operating authority is limited in respect to commodities, direction of movement and points served, the Commission deems it advisable to restate applicant's operative authority by granting a new certificate which will encompass both the existing rights and those granted herein.

Lom Thompson 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, they 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, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be granted to Lom Thompson, an individual, doing business as Thompson Truck Lines, authorizing him to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and places and along 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 upon the establishment of service pursuant to this order, Radial Highway Common Carrier Permit No. 19-36586, Highway Contract Carrier Permit No. 19-36587 and City Carrier Permit No. 19-39707 issued to I.V.L.A. Express, Inc., shall be revoked.

(4) That the operating authority herein granted is in lieu of all prior highway common carrier operating authority granted by this Commission to Lom Thompson or his predecessors in Decisions Nos. 46185, 46186 and 49114 and said decisions are hereby revoked, effective concurrently with the establishment of service pursuant to the authority herein granted.

The effective date of this order shall be twenty days after the date hereof.

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

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

Lom Thompson, an individual, doing business as Thompson Truck Lines, by certificate of public convenience and necessity, granted in the decision noted in the margin, is authorized to transport general commodities between the Los Angeles Territory, as described in Appendix B attached hereto, and the cities, towns or communities of Buena Park, Fullerton and Bellflower, on the one hand, and all that portion of Imperial County, California, which lies west of the Main All American Canal to Coachella Valley, on the other hand.

Applicant shall use all appropriate and convenient streets, roads, or highways, within the described Los Angeles Territory, including points named, and within the Imperial Valley; using, however, the inland route via the Coachella Valley when operating between said described service areas.

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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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 northerly 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.