

ORIGINALDecision No. 54659

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Ralph E. MacDonald, successor to
 E. J. STORER, doing business as
 S. & M. TRUCKING SERVICE, for certifi-
 cate of public convenience and
 necessity to operate as a Highway
 Common Carrier of General Commodities
 between San Diego Counties and Orange
 Counties and Los Angeles Counties.

Application No. 36517

Earl J. Cantos, for applicant.
H. J. Bischoff, for Southern California
 Freight Lines and Southern California
 Freight Forwarders, protestants.

O P I N I O N

Ralph E. MacDonald is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities, with certain exceptions, between San Diego Territory and points in the Los Angeles Basin 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 Diego on January 17, 1957 before Examiner Carl Silverhart.

Protestants did not offer 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 Ralph E. MacDonald, 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 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 12th day of MARCH, 1957.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

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

1. BUILDING WOODWORK, as listed under that heading in Item 660 of Original Page 53 of Minimum Rate Tariff No. 2.
2. CONTAINERS OR BOXES, VIZ.:
Boxes
Cans
Cartons
3. FOODSTUFFS OR BEVERAGES, VIZ.:
Ale or beer
Cakes or pies
Lard
Liquor, alcoholic
Meats
4. PAINTS, PAINT MATERIAL OR PUTTY, as listed under that heading in Items Nos. 35175 through 35420 of the Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto.
5. PAPER, VIZ.:
Roofing
Towels
6. ROOFING, BUILDING OR PAVING MATERIAL, as listed under that heading in Item No. 1110-C in Supplement No. 34 of Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal. P.U.C. No. 193, J. P. Haynes, Agent.
7. MISCELLANEOUS COMMODITIES, VIZ.:
Apples
Cloth, wire
Costumes
Tape
Tools, machine

Between:

South Gate, Glendale and Los Angeles, on the one hand,
and San Diego, on the other hand.

This authority does not include the right to render service to, from or between intermediate points.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 54659, Application No. 36517.