

Decision No. 54732**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Louis E. George)
 and Joseph C. Phillips, a co-)
 partnership, doing business under)
 the firm name and style of GEORGE) Application No. 36132
 AND PHILLIPS TRUCKING, to operate)
 a highway common carrier service.)

O P I N I O N

Louis E. George and Joseph C. Phillips are engaged in the transportation of property in California pursuant to a permit issued by this Commission.

Applicants seek an order authorizing them to conduct service as a highway common carrier for the transportation of fresh fruits and vegetables between Salinas and places within 15 miles thereof, on the one hand, and San Jose, Oakland and San Francisco, on the other hand.

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

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, the Commission finds that public convenience and necessity require that the application be granted. It appears that applicants possess the experience, equipment, personnel and financial resources to institute and maintain the proposed operation. A public hearing is not necessary.

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

The Commission has considered the application and representations filed herein, Now Therefore
IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Louis E. George and Joseph C. Phillips, 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 as more particularly set forth in Appendix A attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate granted, applicants shall comply with and observe the following 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 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 Order No. 99, may result in a cancellation of the operating authority granted by the Commission.

CORRECTION

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(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 Los Angeles, California, this 26th day of March, 1957.

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

Louis E. George and Joseph C. Phillips, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport (1) fruits, fresh or green (not cold pack or frozen), and (2) vegetables, fresh or green (not cold pack or frozen), including mushrooms, between Salinas, and points within 15 miles thereof, on the one hand, and San Jose, Oakland and San Francisco, on the other hand. Such 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. 54732, Application No. 36132.