

ORIGINALDecision No. 54900

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GEO. K. OLIVER, an individual, doing)
 business as GEO. K. OLIVER TRUCKING,)
 for a certificate of public conven-)
 ience and necessity to operate as a)
 highway common carrier of specified)
 commodities between certain points)
 in California pursuant to Public)
 Utilities Code Sections 1063-1064.)

Application No. 36358

Glanz & Russell, by Theodore W. Russell
 for Geo. K. Oliver, applicant.

John B. Robinson, for Southern California
 Freight Lines and Southern California Freight
 Forwarders, and Frederick W. Mielke, for
 Delta Lines, Inc., interested parties.

O P I N I O N

Geo. K. Oliver 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 a group of farm commodities between San Francisco, Los Angeles and various coastal 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 Los Angeles on December 4, 1956, before Examiner 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 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 Geo. K. Oliver, 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 and over the routes as more particularly set forth in Appendices A, B and C 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 22nd day of APRIL, 1957.

[Signature]
 President
[Signature]
[Signature]

Commissioners

Rex Hardy
C. Lyn Fox

Commissioner [Signature] being necessarily absent, did not participate in the disposition of this proceeding.

Geo. K. Oliver, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. AGRICULTURAL IMPLEMENTS, HAND, OR PARTS NAMED, as listed under that heading in Items Nos. 2710 through 3191 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.
2. AGRICULTURAL IMPLEMENTS, OTHER THAN HAND, as listed under that heading in Items Nos. 3205 through 4051 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.
3. AGRICULTURAL IMPLEMENT PARTS, OTHER THAN HAND, as listed under that heading in Items Nos. 4065 through 4661 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.
4. BASKETS OR HAMPERS, as listed under that heading in Items Nos. 10320 through 10670 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.
5. BOXES OR CRATES, INCLUDING FIBREBOARD, PAPER OR PULPBOARD, BOTTLES OR CANS, as listed under that heading in Items Nos. 13845 through 14646 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.
6. FERTILIZERS, as listed under that heading in Items Nos. 535, 540 and 550 of Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal. P.U.C. No. 193, J. P. Haynes, Agent, on the issue date thereof and Supplement No. 34 thereto.
7. FISH, FRESH OR FROZEN, as listed under that heading in Items Nos. 38505 through 38575 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.
8. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 39410 through 41150 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.

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9. FRUITS, FRESH (NOT COLD PACK NOR FROZEN), OR VEGETABLES, FRESH OR GREEN (NOT COLD PACK NOR FROZEN), as listed under that heading in Items Nos. 41815 through 42220 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.
10. INSECTICIDES OR FUNGICIDES, AGRICULTURAL, as listed under that heading in Items Nos. 52960 through 53110 of Western Classification No. 75, Cal. P.U.C. No. 8, Geo. H. Dumas, Agent, on the issue date thereof.
11. MISCELLANEOUS COMMODITIES, VIZ.:
Flowers, fresh, cut

between:

- (a) All points and places in the San Luis Obispo-Santa Maria area.
- (b) The San Luis Obispo-Santa Maria area, on the one hand, and Los Angeles, Oxnard and points within 5 miles of Oxnard, on the other hand.
- (c) The San Luis Obispo-Santa Maria area, Oxnard and points within 5 miles of Oxnard, on the one hand, and the San Francisco Territory, Salinas and points within 5 miles of Salinas, Castroville, points on or within 5 miles laterally of State Highway No. 1 between Castroville and the San Francisco Territory, points on or within 5 miles laterally of U. S. Highway 101 between Salinas and the San Francisco Territory, and points on or within 5 miles laterally of the unnumbered County Highway between Salinas and Castroville, on the other hand.

San Francisco Territory means all points and places within the boundaries thereof as shown in Appendix "B" attached hereto and the San Luis Obispo-Santa Maria area means all points and places within the boundaries thereof as shown in Appendix "C" attached hereto.

The authorities hereinabove set forth in paragraphs (b) and (c) do not include the right to render service to, from or between intermediate points.

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Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in paragraphs (a), (b) and (c).

(End of Appendix A)

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APPENDIX B TO DECISION NO. 54900

SAN FRANCISCO TERRITORY includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

APPENDIX C TO DECISION NO. 54900

SAN LUIS OBISPO-SANTA MARIA AREA means San Luis Obispo, Santa Maria, points within 10 miles of each of these cities, points on or within 10 miles laterally of U. S. Highway 101 between these cities, Guadalupe, Morro Bay, points within 5 miles of Guadalupe, and points on or within 5 miles laterally of State Highway No. 1 between Guadalupe and Morro Bay.