

Decision No. 55154

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 JOHN E. COTE, an individual, doing)
 business as CITIZENS TRANSPORTATION)
 CO., for a certificate of public con-)
 venience and necessity to operate as) Application No. 36433
 a highway common carrier of general)
 commodities with some exceptions)
 between various points and places in)
 Southern California pursuant to Section)
 1063 of the Public Utilities Code.)

Glanz & Russell by Theodore W. Russell, for
 applicant.
H. J. Bischoff, for Southern California Freight
 Lines and Southern California Freight
 Forwarders; A. R. Reader, for Desert Express;
 and Gus M. Somlyo, for Victorville-Barstow
 Truck Line; protestants.

O P I N I O N

John E. Cote 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
 property between various points in Santa Barbara, Ventura, Kern,
 Los Angeles, San Bernardino, Riverside, Orange, Imperial and
 San Diego Counties.

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

A public hearing was held at Palm Springs on February 6,
 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 John E. Cote, 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 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.

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

Dated at San Francisco, California, this 18th day of JUNE, 1957.

E. N. [Signature]
 President
[Signature]
[Signature]

Commissioners
 Rex Hardy
 Commissioners C. L. FOX..... being necessarily absent, did not participate in the disposition of this proceeding.

John E. Cote, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. ADVERTISING MATTER, as listed under that heading in Items Nos. 2485 through 2690 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
2. BRICK, BLOCKS, SLABS, TILE OR RELATED ARTICLES, as listed under that heading in Items Nos. 15220 through 15330 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
3. CARRIERS, SHIPPING, as listed under that heading in Items Nos. 20984 through 21023 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
4. FRUITS, fresh (not cold pack nor frozen).
5. IRON OR STEEL, as listed under that heading in Items Nos. 53740 and 54530 through 54660 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
6. MACHINERY OR MACHINES, OR PARTS NAMED, as listed under that heading in Items Nos. 60670, 61100 through 61403, 61980 through 62241, and 65850 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
7. PAPER, as listed under that heading in Items Nos. 75530, 75540 and 75860 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
8. PETROLEUM OR PETROLEUM PRODUCTS, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, as listed under that heading in Items Nos. 77230 through 77340 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
9. ROOFING OR SIDING, OR ROOFING OR SIDING MATERIALS, as listed under that heading in Items Nos. 83530 through 83770 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.

Issued by California Public Utilities Commission.

Decision No. 55154, Application No. 36433.

10. TANKS, as listed under that heading in Items Nos. 89070 through 89111 of Western Classification No. 76, Geo. H. Dumas, Agent, on the issue date thereof.
11. VEGETABLES, fresh (not cold pack nor frozen), VIZ.:
 Corn
12. MISCELLANEOUS COMMODITIES, VIZ.:
 Asphalt (asphaltum), natural, liquid or solid
 Bins, steel or steel and wood combined
 Calcium nitrate
 Cement, concrete or masonry waterproofing compound
 Drums, empty
 Hoes or parts thereof
 Hoppers, coal, concrete or ore, iron
 Paving rammers, smoothers or tampers, or asphalt cutters
 Pipe, concrete, reinforced
 Rails, railway track, iron or steel
 Transformers or transformer parts
 Stone, natural, chips, crushed, dust, ground, powdered or waste

BETWEEN:

- A. All points in the Riverside Territory as described in Appendix B attached hereto.
- B. The points designated in paragraph A, on the one hand, and all points in the Los Angeles-Orange County Area as described in Appendix B attached hereto, on the other hand.

The authority hereinabove set forth in paragraph B does not include the right to render service to, from or between intermediate points.

Applicant shall not render service between points both of which lie within the said Los Angeles-Orange County Area.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 55152, Application No. 36433.

APPENDIX B TO DECISION NO. 55154

RIVERSIDE TERRITORY is bounded and described as follows: Beginning at the junction of the westerly boundary of San Bernardino County and the San Bernardino National Forest, then generally southerly along the westerly boundary of San Bernardino County and the northeasterly boundary of Orange County to the junction of the latter boundary and State Highway 18, then easterly along State Highway 18 to junction with State Highway 71, then southeasterly along State Highway 71 to junction with State Highway 79, then northerly along State Highway 79 to junction with U. S. Highway 60, then easterly along U. S. Highway 60 to junction with U. S. Highway 99, then northwesterly along U. S. Highway 99 to junction with the southerly boundary of San Bernardino County, then easterly and northerly along said county boundary to junction with the southerly boundary of San Bernardino National Forest, then generally westerly along the southerly boundary of said San Bernardino National Forest to the point of beginning. Said territory includes all points within a radius of 5 miles of State Highways 18, 71, 79 and U. S. Highways 60 and 99 not otherwise within the boundary above described, and, in addition, Banning, California.

LOS ANGELES-ORANGE COUNTY AREA is bounded and described as follows: Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean (near Topanga Canyon), then along the westerly and northerly boundary of the City of Los Angeles, the southerly boundary of Angeles National Forest, the easterly boundary of Los Angeles County, the northeasterly boundary of Orange County, State Highway 18, State Highway 55 and the prolongation thereof to the Pacific Ocean and the coastline of the Pacific Ocean to the point of beginning. Said territory includes all points within a radius of 5 miles to the south and east of State Highways 18 and 55 between the Orange County line and the Pacific Ocean.