

Decision No. 55204**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 JOE P. CABRAL (successor to Carl R.)
 Meyer), an individual doing business)
 as L. A. EUREKA LINES, for a)
 certificate of public convenience)
 and necessity to operate as a highway)
 common carrier of general commodities)
 with some exceptions between various)
 points and places in Southern)
 California.)

Application No. 35947

Glanz & Russell by Arthur H. Glanz, for
 applicant.

Berol & Silver by Edward M. Berol, for
 Merchants Express of California and
 Callison Truck Lines, Inc., and
Lloyd R. Guerra, for Western Truck Lines,
 Ltd., protestants.

O P I N I O N

Joe P. Cabral is engaged in the transportation of property in California pursuant to permits issued by this Commission. He acquired this business from Carl R. Meyer by purchase.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general and special commodities between the Humboldt Bay area and Los Angeles Basin.

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 April 18, 1957 before Examiner John Power.

Protestants called attention to their own operating rights and cross-examined applicant's witnesses.

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 Joe P. Cabral, 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 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 9th day of JULY, 1957.

E. P. ...
 President
Ray ...
...
R. ...
...
 Commissioners

Joe P. Cabral, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. FISH, FRESH OR FROZEN, as listed under that heading in Items Nos. 38505 through 38575 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

FOODSTUFFS, VEGETABLES OR VEGETABLE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 40030 through 40100, 40170 through 40260, 40790 through 40800 and 41040 through 41050 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

FRUITS OR VEGETABLES, DEHYDRATED, DRIED OR EVAPORATED, as listed under that heading in Items Nos. 41565 through 41790 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

FRUITS, FRESH (NOT COLD-PACK OR FROZEN), OR VEGETABLES, FRESH OR GREEN (NOT COLD-PACK OR FROZEN), as listed under that heading in Items Nos. 41815 through 42220 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

MISCELLANEOUS COMMODITIES, VIZ.:

Fish bladders
Fish livers

BETWEEN:

Eureka and points within 25 miles of Eureka, on the one hand, and San Francisco, Oakland, Alameda, Berkeley and Stockton, on the other hand.

2. The commodities set forth in paragraph 1 and ROOFING OR SIDING, OR ROOFING OR SIDING MATERIALS, as listed under that heading in Items Nos. 83530 through 83770 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

BETWEEN:

Eureka and points within 25 miles of Eureka, on the one hand, and the Los Angeles Territory as described in Appendix B attached hereto, on the other hand.

Issued by California Public Utilities Commission.

Decision No. 55201, Application No. 35947.

The authorities hereinabove set forth in paragraphs 1 and 2 do not include the right to render service to, from or between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in paragraphs 1 and 2.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 55291, Application No. 35947.

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.