

**ORIGINAL**Decision No. 55251

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GEORGE CHUCK and EDWARD PAPAZIAN, )  
 copartners doing business as DESERT )  
 BELT TRANSPORTATION COMPANY, for a )  
 certificate of public convenience )  
 and necessity to operate as a high- )  
 way common carrier of limited com- )  
 modities between points and places )  
 in California pursuant to Section )  
 1063 of the Public Utilities Code )  
 of the State of California. )

Application No. 36465

O P I N I O N

George Chuck and Edward Papazian, copartners doing business as Desert Belt Transportation Company, are engaged in the transportation of property in California pursuant to permits issued by this Commission.

George Chuck and Edward Papazian seek an order authorizing them to conduct service as a highway common carrier for the transportation of agricultural products and articles used by farmers and processors between Coachella and Imperial Territories and Los Angeles Territory and San Francisco Territory.

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 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 applicants possess the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein.

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

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 George Chuck and Edward Papazian, 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 and over the routes 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, 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 San Francisco, California, this 9<sup>th</sup> day of July, 1957.

\_\_\_\_\_  
President  
*Paul J. ...*  
\_\_\_\_\_  
*W. ...*  
\_\_\_\_\_  
*R. ...*  
\_\_\_\_\_  
*E. ...*  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

George Chuck and Edward Papazian, by the certificate of public convenience and necessity granted in the decision noted in the margin, are 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. 76, George 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. 76, George 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 4611 of Western Classification No. 76, George 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. 76, George H. Dumas, Agent, on the issue date thereof.
5. BOXES OR CRATES, INCLUDING FIBREBOARD, PAPER OR PULP-BOARD BOTTLES OR CANS, as listed under that heading in Items Nos. 13845 through 14646 of Western Classification No. 76, George 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 in Supplement No. 34 thereto.
7. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, VIZ.:  
Fruits, fresh, cold pack  
Vegetables, fresh or green, cold pack
8. 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.

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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. 76, George 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. 76, George H. Dumas, Agent, on the issue date thereof.
11. MACHINERY, OR MACHINES, OR PARTS NAMED, as listed under that heading in Items Nos. 58470 through 67391 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
12. NURSERY STOCK, as listed under that heading in Items Nos. 70860 through 70940 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
13. MISCELLANEOUS COMMODITIES, VIZ.:  
Flowers, fresh

between

Los Angeles Territory, on the one hand, and Coachella Valley Territory, on the other hand.

Los Angeles and Coachella Valley Territories mean the areas described in Appendix B hereto attached.

The authority herein above set forth does not include the right to render service to, from or between intermediate points between the territories shown.

End of Appendix A

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APPENDIX B TO DECISION NO. 55251

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 north-easterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; north-easterly 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 north-erly along an imaginary line to point of beginning.

COACHELLA VALLEY TERRITORY is defined as the area lying between the little San Bernardino Mountains and Cottonwood Mountain, on the one hand, and the San Jacinto and Santa Rosa Mountains, on the other hand; and bounded on the northwest by Edom on U. S. Highway No. 99 and Indian Wells on State Highway No. 111, and on the southeast by the Riverside-Imperial County line on U. S. Highway No. 99 and Southern Pacific Company station of Mortmar on State Highway No. 111.