

ORIGINALDecision No. 55280

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 R. F. GUTHRIE, an individual, doing)
 business as GUTHRIE TRUCKING CO., for)
 a certificate of public convenience)
 and necessity to operate as a highway)
 common carrier of special commodities)
 with some exceptions between various)
 points and places in Southern Calif-)
 ornia pursuant to Public Utilities)
 Code Sections 1063-1064.)

Application No. 36274

Glanz & Russell by Theodore W. Russell,
 for applicant.
Frederick W. Mielke, for Delta Lines, Inc.;
A. R. Reader, for Desert Express; and
James H. Williams, for Southern California
 Freight Lines; protestants.

O P I N I O N

R. F. Guthrie 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 food products, building materials, chemicals, machinery and related products between points in Southern California and between those and certain San Joaquin Valley and northern 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 May 15, 1957 before Examiner John Power.

Protestants assisted in developing the record by cross-examination and argument.

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 R. F. Guthrie, 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 15th day of July, 1957.

President

David L. Allen

William H. ...

R. Hardy

E. L. Fox

Commissioners

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

R. F. Guthrie, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. 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. 76, George H. Dumas, Agent, on the issue date thereof.
2. 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.
3. MISCELLANEOUS COMMODITIES, VIZ.:
Sulphur

between:

- A. All points and places in the Los Angeles Basin Territory Excluding Hemet, as described in Appendix B hereof.
- B. All points and places in Ventura County on or southerly of State Highway 126.
- C. Between all points designated in paragraph A, on the one hand, and all points in paragraph B, on the other hand.

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

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 55280, Application No. 36274.

LOS ANGELES BASIN TERRITORY EXCLUDING HEMET: Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to and including the City of Redlands; westerly along U. S. Highway No. 99 to U. S. Highway No. 395; southerly along U. S. Highway No. 395 to State Highway No. 18; southwestly along State Highway No. 18 to U. S. Highway No. 91; westerly along U. S. Highway No. 91 to State Highway No. 55; southerly on State Highway No. 55 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.