

Decision No. 55380

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LIBERTY FREIGHT LINES, a corporation,)
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 Cali-)
fornia pursuant to Public Utilities)
Code Sections 1063-1064.)

Application No. 36385

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

O P I N I O N

Liberty Freight Lines is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of various commodities between various points generally throughout California.

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 14, 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 Liberty Freight Lines, a corporation, authorizing it 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 Appendices A and 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 it will be required, among other things, to file annual reports of its 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 5th day of August, 1957.

[Signature]
 President
[Signature]
[Signature]
[Signature]

Commissioners

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

Liberty Freight Lines, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. CASINGS, as listed under that heading in Items Nos. 21360 through 21400 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
2. FOODSTUFFS, BEVERAGES, BEVERAGE PREPARATIONS, not named in other more specific groups, as listed under that heading in Items Nos. 39410 through 41150 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
3. GLASS, as listed under that heading in Items Nos. 45890 through 46181 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
4. PAINTS, PAINT MATERIAL OR PUTTY, as listed under that heading in Items Nos. 74750 through 75200 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
5. PAPER, viz.:
Fibreboard or pulpboard
6. RUBBER, ARTIFICIAL GUAYULE, NATURAL, NEOPRENE OR SYNTHETIC, as listed under that heading in Items Nos. 84150 through 84490 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.

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7. MISCELLANEOUS COMMODITIES, viz.:
- Bags, paper
 - Batteries, electric
 - Compounds, cleaning, scouring or washing
 - Ducks, fresh, frozen
 - Lard
 - Lard compounds
 - Lard substitutes
 - Meats, fresh, frozen
 - Oil, cooking or salad
 - Oleomargarine
 - Prunes
 - Soap
 - Vegetable oil shortening

BETWEEN:

Los Angeles, on the one hand, and the San Francisco Territory, as described in Appendix B attached hereto, on the other hand.

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

End of Appendix A

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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 Milos 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 Collogo Avenue; northerly along Collogo 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.