

Decision No. 55445**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FRANK E. WILLS AND GEORGE A.)
 SCHIMMELPFENNIG, a co-partnership)
 doing business as WILLS DELIVERY)
 SERVICE, for a certificate of public)
 convenience and necessity to operate)
 as a highway common carrier between)
 the San Francisco-East Bay Cartage)
 Zone as well as Antioch, Pittsburg,)
 Martinez, Walnut Creek and inter-)
 mediate points for the transportation)
 of household appliances and electrical)
 equipment and supplies.)

Application No. 38476

Marquam C. George, for applicant.O P I N I O N

This application was filed on October 5, 1956. Public hearing thereof was held before Examiner John K. Power on June 17, 1957. At the conclusion of the hearing the matter was submitted and is now ready for decision. There were no appearances by protestants.

The applicants seek a certificate of public convenience and necessity to carry special commodities between points in the San Francisco-East Bay Cartage Zone and certain East Bay points, not in the zone, from Pittsburg-Antioch-Martinez on the north to Fremont-Newark on the south. The special commodities are those dealt in by manufacturers of electrical equipment.

At the hearing applicants presented an operating witness and three public witnesses. Further public witnesses were excluded as their testimony would have been merely cumulative since they were engaged in shipping the same commodities.

The record is sufficient to show, and the Commission finds, that public convenience and necessity require that the requested certificate be granted.

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 Frank E. Wills and George A. Schimmelpfennig, a co-partnership doing business as Wills Delivery Service, 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 Appendices A and B attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, applicants 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 20th 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.

Frank E. Wills and George A. Schimmelpfennig, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport:

1. BOILERS, FURNACES, RADIATORS, STOVES, RELATED ARTICLES OR PARTS NAMED, as listed under that heading in Items Nos. 11960 through 13231 of the Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
2. CONDUITS, PIPE, SMOKESTACKS, TUBING OR FITTINGS, OTHER THAN CLAY, CONCRETE OR EARTHEN, as listed under that heading in Items Nos. 29220 through 30440 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
3. COOLERS, COOLING BOXES, COOLING ROOMS OR REFRIGERATORS, as listed under that heading in Items Nos. 30600 through 30742 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
4. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, as listed under that heading in Items Nos. 34020 through 35430 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
5. LAMPS, LANTERNS OR LIGHTING FIXTURES, OR PARTS NAMED, as listed under that heading in Items Nos. 55690 through 56100 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
6. 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.

BETWEEN

- A. All points and places in the San Francisco-East Bay Cartage Zone as shown on Appendix "B" hereto attached.
- B. The Zone, on the one hand, and Fremont, Newark and points lying between Fremont and the Zone, on the other hand.

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- C. The Zone, on the one hand, and on the other hand, points on or within five miles laterally of the following routes:
- (1) U. S. Highway 40 between the Zone and Hercules;
 - (2) State Highway No. 4 between Hercules and Antioch;
 - (3) State Highway No. 21 between Martinez and Dublin; and
 - (4) State Highway No. 24 between the Zone and Walnut Creek.

The phrase "the Zone" when used herein means the San Francisco-East Bay Cartage Zone.

For operating convenience applicants may use any and all streets, highways and toll bridges.

End of Appendix A

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LIMITS OF SAN FRANCISCO-EAST BAY CARTAGE ZONE

San Francisco-East Bay Cartage Zone includes that area embraced by the following boundary:

Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnwood Drive to So. Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.

The foregoing description includes the following points or portions thereof:

Alameda	Elkton	Oakland Pier	San Leandro
Alameda Pier	Elmhurst	Ocean View	San Lorenzo
Albany	Emeryville	Piedmont	San Mateo
Baden	Ferry Point	Point Castro	San Pablo
Bay Farm Island	Fruitvale	Point Fleming	South San Francisco
Bayshore	Government Island	Point Isabel	
Berkeley	Hayward	Point Molate	Stega
Bernal	Lawndale	Point Orient	Tamforan
Brisbane	Lomita Park	Point Potrero	Treasure Island
Broadway	Melrose	Point Richmond	Union Park
Burlingame	Millbrae	Point San Pablo	Visitacion
Camp Knight	Mills Field	Richmond	Westlake
Castro Valley	Mt. Eden	Russell City	Winhaven
Colma	Oakland	San Bruno	Yerba Buena
Daly City	Oakland Municipal	San Francisco	Island
East Oakland	Airport	San Francisco International Airport	
El Cerrito			

APPENDIX "B" (Continued)

MAP SHOWING

LIMITS OF SAN FRANCISCO - EAST BAY CARTAGE ZONE

