

ORIGINAL

Decision No. 55894

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 R. W. NIELSEN, dba COMET SERVICE,)
 to operate a highway common carrier)
 service.)

Application No. 36422

Arthur H. Glanz of Glanz & Russell, for
 applicant.
James H. Williams, for Southern California
 Freight Lines and Southern California
 Freight Forwarders, protestants.

O P I N I O N

R. W. Nielsen is engaged in the transportation of property in California pursuant to permits issued by this Commission.

He seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities within an area comprising substantially the southern half of Los Angeles County and the northwestern portion of Orange County.

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 October 17, 1957, before Examiner Donald B. Jarvis.

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. W. Nielsen, 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 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, 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 31st day of December, 1957.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

R. W. Nielsen, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places which lie within the following described territory:

Commencing at the point at which Second Street, in the City of Hermosa Beach, intersects the Pacific Ocean; thence east along the north line of Second Street until said street intersects with the Pacific Coast Highway (U.S. Highway 101 Alt.), thence north along the west line of said Pacific Coast Highway until it intersects with Redondo Beach Boulevard; thence east along the north line of Redondo Beach Boulevard until it intersects with Aviation Boulevard; thence north along the west line of Aviation Boulevard until it intersects with Rosecrans Avenue; thence east along the north line of Rosecrans Avenue until it intersects Atlantic Avenue; thence north along the west line of Atlantic Avenue until Atlantic Avenue becomes Atlantic Boulevard; thence north along the west line of Atlantic Boulevard until it intersects Whittier Boulevard; thence east along the north line of Whittier Boulevard until it intersects Workman Mill Road; thence north along the west line of Workman Mill Road until it intersects Valley Boulevard; thence south along the east line of Valley Boulevard until it intersects Hacienda Boulevard; thence south along the east line of Hacienda Boulevard until it intersects Whittier Boulevard; thence east along the north line of Whittier Boulevard until it intersects Central Avenue thence east along the north line of Central Avenue until it intersects Pomona Avenue; thence south along the east line of Pomona Avenue until it intersects Imperial Highway; thence east along the north line of Imperial Highway until it intersects Rose Drive; thence south along the east line of Rose Drive until it intersects Yorba Linda Boulevard; thence east along the north line of Yorba Linda Boulevard until it intersects Prospect Street; thence south along the east line of Prospect Street until it runs into Jefferson Street;

Issued by California Public Utilities Commission.

Decision No. 55894, Application No. 36422.

thence south along the east line of Jefferson Street until it runs into Tustin Avenue; thence south along the east line of Tustin Avenue until it intersects Newport Avenue; thence south along the east line of Newport Avenue until it intersects the Coast Highway (U.S. Highway 101 Alt.); thence west along the south line of the Coast Highway until it intersects with Bushard Street; thence south along a projection of the east line of Bushard Street until it intersects the Pacific Ocean; thence along the Coast line until the point of beginning.

Applicant shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. ~~Commodities when transported in motor vehicles~~ equipped for mechanical mixing in transit.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 55894, Application No. 36422.