

Decision No. 55973

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DANIEL C. FESSENDEN, doing business as)
CALIFORNIA WAREHOUSE CO., for a cer-)
tificate of public convenience and)
necessity as a highway common carrier)
of property.)

Application No. 36496

Ivan McWhinney, for applicant.

O P I N I O N

Daniel C. Fessenden 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 over various proposed routes in and about Los Angeles 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 21, 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 Daniel C. Fessenden, 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 16th day of December, 1957.

[Signature]
 President

[Signature]

[Signature]

[Signature]

[Signature]
 Commissioners

Daniel C. Fessenden, 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 the Los Angeles-Orange County line intersects the Pacific Ocean; thence along said county line in a northerly direction until it intersects Artesia Boulevard; thence west along the north line of Artesia Boulevard until it becomes Artesia Avenue; thence west along the north line of Artesia Avenue until it intersects Woodruff Avenue; thence north along the east line of Woodruff Avenue until it intersects Center Street; thence east along the north line of Center Street until it becomes Alondra Boulevard; thence east along the north line of Alondra Boulevard until it intersects Carmentia Street; thence north along the east line of Carmentia Street until it intersects Telegraph Road; thence north and then west along the north line of Telegraph Road until it intersects Atlantic Boulevard; thence north along the east line of Atlantic Boulevard until it intersects Hellman Avenue; thence west along the north line of Hellman Avenue until it intersects Fremont Avenue; thence north along the east line of Fremont Avenue until it intersects Mission Street; thence west along the north line of Mission Street until it intersects Orange Grove Avenue; thence north along the east line of Orange Grove Avenue until it intersects Colorado Boulevard; thence west along the north line of Colorado Boulevard until it becomes Colorado Street; thence west along the north line of Colorado Street until it intersects San Fernando Road; thence north along the east line of San Fernando Road until it intersects Sonora Avenue; thence south along the east line of Sonora Avenue until it intersects Riverside Drive; thence west along the north line of Riverside Drive until it intersects Vineland Avenue; thence north along the east line of Vineland Avenue until it intersects San Fernando Road; thence northwesterly along the north line of San Fernando Road until it intersects Chatsworth Drive; thence west along the north line of Chatsworth Drive until it becomes Chatsworth Street; thence west along the north

Issued by California Public Utilities Commission.

Decision No. 55973, Application No. 36496.

line of Chatsworth Street until it intersects Zelza Avenue; thence south along the west line of Zelza Avenue until it intersects Devonshire Street; thence west along the north line of Devonshire Street until it intersects Topanga Canyon Boulevard; thence south along the west line of Topanga Canyon Boulevard until it intersects Mulholland Drive; thence east along the north line of Mulholland Drive until it intersects Laurel Canyon Road; thence south along the west line of Laurel Canyon Road until it intersects Sunset Boulevard; thence east along the north line of Sunset Boulevard until it intersects La Brea Avenue; thence south along the west line of La Brea Avenue until it intersects Slauson Avenue; thence west along the north line of Slauson Avenue until it intersects Sepulveda Boulevard; thence south along the west line of Sepulveda Boulevard until it intersects Manchester Avenue; thence west along the north line of Manchester Avenue until its end; thence along a projection of Manchester Avenue to the point at which said projection would intersect the Pacific Ocean; thence along the coastline to 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.

Issued by California Public Utilities Commission.

Decision No. 55972, Application No. 36496.

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. 55973, Application No. 36496.