

Decision No. 56150**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 GORDON JOSEPH GRAVEN as Administrator of)
 the Estate of Charles L. Graven, Deceased,)
 doing business as SANTA MONICA DELIVERY)
 SERVICE, for a certificate of public con-)
 venience and necessity to operate as a)
 highway common carrier of limited commodi-)
 ties between points and places in Southern)
 California pursuant to Section 1063 of)
 the Public Utilities Code of the State of)
 California.)

Application No. 36537

Glanz & Russell by Theodore W. Russell for
 applicant.

O P I N I O N

This proceeding was commenced by Gordon Joseph Graven as administrator of the Estate of Charles L. Graven, Deceased, doing business as Santa Monica Delivery Service. On July 2, 1957, a "Petition For Substitution of Applicant" was herein filed. The verified petition averred that the Los Angeles Superior Court had, in the probate proceeding, ordered distribution of the business and assets of Santa Monica Delivery Service in equal shares to Gordon Joseph Graven; Gary J. Graven, and John C. Graven; that Gordon Joseph Graven subsequently sold his interest in the business to the other distributees; that Gary J. Graven and John C. Graven proposed to continue the business of Santa Monica Delivery Service as a partnership and that they had contemporaneously petitioned this Commission for a transfer to them of the permits held by the decedent; and that Gary J. Graven and John C. Graven be substituted as applicants herein. On July 9, 1957, this Commission in Resolution No. 9601, ordered the transfer of said permits to Gary J. Graven and John C. Graven. Good cause therefore appearing, it is ordered that Gary J. Graven and John C. Graven be substituted as applicants herein.

Gary J. Graven and John C. Graven are engaged in the transportation of property in California pursuant to permits issued by this Commission.

They seek an order authorizing them to conduct service as a highway common carrier for the transportation of tires, paints, automobile parts and accessories, and upholstery materials and supplies in the Los Angeles Territory.

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 18, 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 applicants possess the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein.

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 Gary J. Graven and John C. Graven, 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 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, 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 21st day of January, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

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Appendix A

Gary J. and John C. Graven

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Gary J. and John C. Graven, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport:

1. AUTOMOBILE PARTS OR ACCESSORIES, as listed under that heading in Items Nos. 8110 through 9240 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
2. 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.
3. VEHICLE PARTS, as listed under that heading in Items Nos. 93445 through 94790 of Western Classification No. 76, George H. Dumas, Agent, on the issue date thereof.
4. MISCELLANEOUS COMMODITIES, VIZ.:
Material, upholstery
Tires, rubber and synthetic
Upholstery separators
Upholstery racking rims or strips

BETWEEN:

Los Angeles, Santa Monica, Vernon and Culver City.

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

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 56150, Application No. 36537.