

ORIGINAL

Decision No. 50579

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
 LESTER LEON HILLIARD, an individual, )  
 doing business as HILLIARD TRUCK LINE, )  
 for a certificate of public convenience )  
 and necessity to operate as a Highway )  
 common carrier of general commodities, ) Application No. 36437  
 with certain exceptions, between the )  
 Los Angeles Drayage Area, on one hand, )  
 and Mojave, Ridgecrest, Trona, Little )  
 Rock and various other points in )  
 Southern California, on the other hand.)

Turcotte & Goldsmith; by Jack O. Goldsmith,  
 for applicant.

A. R. Reader, for Desert Express, Gus M. Somlyo,  
 for Victorville-Barstow Truck Line, Lloyd R.  
Guerra, for Western Truck Lines, Ltd., pro-  
 testants.

O P I N I O N

Lester Leon Hilliard, doing business as Hilliard Truck Line, is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities, with exceptions, between the Los Angeles Drayage area and certain Southern California desert cities.

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 February 3, 1958 before Examiner James F. Mastoris.

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 Lester Leon Hilliard 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 and over the routes 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 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 22nd day of April, 1958.

*John E. Bricker*  
 President

*Paul W. McClellan*

*William H. Roark*

*E. L. Fox*

*Theodore Deener*  
 Commissioners

(A) Lester Leon Hilliard, doing business as Hilliard Truck Line, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities, including commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment, between all points and places as follows:

1. From, to and between all points and places in the Los Angeles Drayage Area as described as follows:

Los Angeles Drayage Area zones 1-A, 1-B, 1-C, 1-D, 10, 11, 12 and 17 as described in Items Nos. 30, 31, 32 and 33 on Second Revised Page 9, Original Page 10, First Revised Page 11 and Original Page 12 of Minimum Rate Tariff No. 5.

2. From and to all points and places in the Los Angeles Drayage Area, as above described, on the one hand and the following cities in Los Angeles, Kern and San Bernardino Counties, on the other hand:

Saugus, Paindale, Lancaster, Mojave, Edwards, Boron, the Pacific Coast Borax Plant, Monolith, Tehachapi, California Institution for Men at Tehachapi, China Lake, Inyokern, Randsburg, Ridgecrest, Argus, Trona, Rosamond, Johannesburg, Quartz Hill, Newhall, Roosevelt, Little Rock, Pearland, Keene, Westend, Pearblossom, Reel Mountain, Kramer Junction and Acton, serving no intermediate points.

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(B) Lester Leon Hilliard 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, bus chassis.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep camp outfits, sows, steers, stags or swine.
4. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Property necessary or incidental to the establishment, maintenance, or dismantling of oil, gas, or water wells, pipelines, refineries and cracking or casing head plants, when originating at or destined to an oil well site, construction site, or storage yard.

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8. Logs.
9. Explosives.
10. Machinery weighing over 5,000 pounds per piece, which cannot be transported in van type equipment.
11. Commodities of abnormal size or weight which because of such size or weight require the use of special equipment.

End of Appendix A

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