

Decision No. 56592**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RICHARD F. McCURDY and RICHARD F.)
 McCURDY, Jr., co-partners, doing)
 business under the trade name of)
 McCURDY & SON TRANSPORT SERVICE,)
 (successor to RICHARD F. McCURDY,)
 an individual, doing business as)
 DEMACK TRUCKING COMPANY), to operate)
 a Highway Common Carrier Service.)

Application No. 36438

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

Frederick Mielke, for Delta Lines, Inc., Protestant.

O P I N I O N

Richard F. McCurdy and Richard F. McCurdy, Jr., doing business as McCurdy & Son Transport Service, are engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicants seek an order authorizing them to conduct service as a highway common carrier for the transportation of special commodities in the Los Angeles Drayage Area and between said area and the San Francisco Territory and certain points 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 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 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 Richard F. McCurdy and Richard F. McCurdy, Jr., 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 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 22nd day of April, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

(A) McCurdy & Son Transport Service, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the commodities as hereinafter set forth in paragraph (B) 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 on the other hand: Long Beach, Pasadena and Pittsburg, serving no intermediate points.

(B) McCurdy & Son Transport Service is authorized to transport the following commodities:

1. AIRPLANES OR PARTS NAMED, as listed under that heading in Items Nos. 4700 through 4980 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
2. BOILERS, FURNACES, RADIATORS, STOVES, RELATED ARTICLES OR PARTS NAMED, as listed under that heading in Items Nos. 11960 through 13280 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

Issued by California Public Utilities Commission

Decision No. 56500, Application No. 36438.

3. CARRIERS, SHIPPING, as listed under that heading in Items Nos. 20660 through 21251 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
4. CHEMICALS, as listed under that heading in Items Nos. 21980 through 26620 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
5. 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, J. P. Hackler, Alternate Agent, on the issue date thereof.
6. FERTILIZERS, as listed under that heading in Items Nos. 535, 540 and 550 of Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal. P.U.C. No. 193, J. P. Haynes, Agent, on the issue date thereof and Supplement No. 34 thereto.
7. INSULATING MATERIALS, as listed under that heading in Items Nos. 53165 through 53470 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
8. LUMBER AND FOREST PRODUCTS, as listed under that heading in Item No. 660 on Original Pages 62 and 63 of Minimum Rate Tariff No. 2.
9. MACHINERY OR MACHINES, OR PARTS NAMED, as listed under that heading in Items Nos. 58470 through 67391 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
10. OIL, WATER OR GAS WELL OUTFITS AND SUPPLIES, AND OTHER ARTICLES, as listed under that heading in Item No. 365 on Third Revised Page 38-A of Minimum Rate Tariff No. 2.
11. PLUMBERS' GOODS, OR BATHROOM OR LAVATORY FIXTURES, as listed under that heading in Items Nos. 77890 through 78771 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.

Issued by California Public Utilities Commission

Decision No. 56592, Application No. 36438.

12. SHEET STEEL WARE, as listed under that heading in Items Nos. 85515 through 86010 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
13. VEHICLE PARTS, as listed under that heading in Items Nos. 93445 through 94790 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
14. MISCELLANEOUS COMMODITIES, VIZ.:
 - Bars, iron or steel
 - Bottles, glass
 - Cases, cartridge
 - Cement, hydraulic, masonry, mortar, natural or Portland, in bags
 - Frames, window
 - Gas, acetylene
 - Gas, nitrogen
 - Paint
 - Rods, welding
 - Shapes, iron or steel
 - Sheets, iron or steel
 - Shingles or siding
 - Wire

End of Appendix A

Issued by California Public Utilities Commission

Decision No. 56592, Application No. 36438.