

**ORIGINAL**Decision No. 56680

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)	
of CLIFFORD L. AKSLAND doing	)	
business as AKSLAND TRUCKING CO.,	)	
for a Certificate of Public	)	Application No. 39274
Convenience and Necessity to	)	
operate as a Highway Common Carrier	)	
for the transportation of property.	)	

Francis X. Vieira, for applicant.

O P I N I O N

This application was filed July 25 and amended December 10, 1957. Public hearing was held before Examiner John Power at San Francisco on April 9, 1958, and the matter submitted. There were no protests.

Applicant seeks to transport bakery goods generally in the area bounded by San Francisco, Napa, Sacramento, Tulare, Porterville, Los Banos and San Jose. Applicant testified personally and produced public witness testimony both orally and by affidavit. Four exhibits relating to applicant's business were received in evidence.

The record establishes that bakery goods are unique in certain respects, namely: (1) Deliveries are made through the night instead of through the day. (2) A larger portion of the bakery goods are rated as spoiled if not delivered within 24 hours. (3) Such merchandise is easily damaged if comingled with other types of lading. Dry freight carriers do not (and probably cannot) adapt their schedules to the requirements of the bakery industry.

The financial resources, facilities, equipment, personnel and experience of applicant appear to be adequate.

Applicant proposes to file rates based on Minimum Rate Tariff No. 2 levels, giving effect, however, to a deviation authorized to applicant and certain other carriers by a previous decision of the Commission. The decision in question involves authority to assess charges for the transportation of bakery goods in wheeled carriers on the net weight of the bakery goods exclusive of the weight of the wheeled carriers and was granted by Decision No. 54768 of April 2, 1957, in Case No. 5432, Petition No. 81. The request to publish rates as sought appears justified and will be granted.

The Commission finds and concludes that public convenience and necessity require that the certificate be granted as set forth in the application.

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 record adduced herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Clifford L. Aksland, 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 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.

(3) That applicant is authorized to publish rates for the transportation of shipments of bakery goods in wheeled carriers on the basis of the net weight of the bakery goods exclusive of the weight of the wheeled carriers.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 6th day of May, 1958.

Peter E. Mitchell  
Commissioner ~~S~~ C. Lyn Fox, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

Robert L. Williams President  
William H. Hall  
Theodore J. Jensen  
 Commissioners

Clifford L. Aksland by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport:

1. BAKERY GOODS as listed under that heading in Items Nos. 9745 through 9820 of Western Classification No. 76 of J. P. Hackler, Alternate Agent, on the issue date thereof.
2. BREAD, CAKE OR ROLL, INCLUDING BROWN, CHOCOLATE AND NUT, DATE AND NUT, ORANGE AND NUT OR PUMPERNICKEL, as described in Item No. 39500 of the Western Classification No. 76 of J. P. Hackler, Alternate Agent, on the issue date thereof.

Note: The authority granted by this order does not include the right to transport any shipments of commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.

Issued by California Public Utilities Commission.

Decision No. 56849, Application No. 39274.

## BETWEEN:

All points and places on, or within five miles (airline distance) laterally of the portions of highways listed below:

- (1) U. S. Highway 40 between San Francisco and Sacramento;
- (2) State Highway 29 between Napa and Junction U. S. 40;
- (3) U. S. Highway 99 between Sacramento and Tipton;
- (4) State Highway 190 between Tipton and Porterville;
- (5) State Highway 65 between Porterville and Exeter;
- (6) State Highway 198 between Exeter and Hanford;
- (7) U. S. Highway 50 between San Francisco and Stockton;
- (8) State Highway 4 between Rodeo and Stockton;
- (9) U. S. Highway 101 between San Jose and Gilroy;
- (10) State Highway 152 between Gilroy and Califa Junction;
- (11) State Highway 120 between Junction U. S. Highway 50 (Mossdale) and Yosemite Junction;
- (12) State Highway 49 between Yosemite Junction and Sonora;
- (13) Unnumbered county road or roads connecting Oakdale and Modesto via Riverbank;
- (14) An Unnumbered county road between a point on State Highway 152 about 15 miles west of Califa Junction and Merced;
- (15) State Highways 21 and 24 and various unnumbered county roads between Sunol and Concord;
- (16) The off-route points of Pleasanton and Livermore.

Note: Applicant shall transport no shipment which has both origin and destination in San Francisco territory as described in Appendix B attached hereto.

Issued by California Public Utilities Commission.

Decision No. 56649, Application No. 39274.

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Appendix A

CLIFFORD L. AKSLAND

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Applicant may use the highways named herein and all other highways for operating convenience in performing the service herein authorized.

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Decision No. 56649, Application No. 39274.

SAN FRANCISCO TERRITORY includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.