

**ORIGINAL**

Decision No. 56691

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CHARLES H. OLDS, JR. for Certificate )  
 of Public Convenience and Necessity )  
 to operate Freight Express and Mail )  
 between Bishop, California to Cal-Nev.)  
 State Line over U.S. 6, serving points )  
 and places in Nevada and returning )  
 from Nev.-Cal. State Line to Bishop, )  
 California via Big Pine, California. )

Application No. 39907

In the Matter of the Investigation )  
 into the rates, rules, regulations, )  
 charges, allowances and practices of )  
 all common carriers, highway carriers )  
 and city carriers, relating to the )  
 transportation of general commodities )  
 (commodities for which rates are pro- )  
 vided in Minimum Rate Tariff No. 2). )

Case No. 5432

O P I N I O N

Charles H. Olds, Jr. seeks authority to transport property within the State of California between Bishop and the California-Nevada State Line via U. S. Highway 6 and between Big Pine and such state line via an unnumbered highway.

Applicant alleges that there is no local service to the points which he proposes to serve; that he presently transports mail between such points; that he possesses authority granted by the Interstate Commerce Commission.

The application indicates that applicant possesses adequate financial resources to institute and maintain the proposed service.

The application also indicates that the proposed rates are below the established minimum rates, that the size of applicant's vehicles enable him to transport small shipments only, and that applicant will be operating in a sparsely settled area.

The allegations of the application indicate and the Commission finds that public convenience and necessity require that the application be granted as set forth in the ensuing order. Applicant will also be granted a full exemption from the minimum rates by adding his name to Appendix "A" to Decision No. 52199, as amended, in Case No. 5432. A public hearing is not necessary.

Applicant is hereby placed upon 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

The Commission has considered the application filed herein, Now Therefore

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Charles H. Olds, Jr., 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 and subject to the restrictions 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 Decision No. 52199, as amended, in Case No. 5432, is further amended by adding Charles H. Olds, Jr., to the list of carriers in Appendix "A" to said Decision No. 52199 limited to transportation covered by the certificate granted herein.

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

Dated at San Francisco, California, this 13th  
day of May, 1958.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners

Charles H. Olds, Jr., by the Certificate of Public Convenience and Necessity granted in the decision noted in the margin is authorized to transport general commodities between the points and subject to the limitations as follows:

Big Pine and the California-Nevada State Line, and intermediate points via U. S. Highway 6, including the off-route point of Benton, limited to shipments not in excess of 150 pounds each.

Big Pine and the California-Nevada State Line and intermediate points via Oasis over an unnumbered highway, limited to shipments not in excess of 500 pounds each.

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.
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.
8. Logs.

End of Appendix A

Issued by California Public Utilities Commission

Decision No. 56601, Application No. 39907