

**ORIGINAL**Decision No. 56720

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
 FRICKETT TRANSPORTATION CO. to  
 operate a highway common carrier  
 service.

Application No. 36400

OPINION AND ORDER ON RECONSIDERATION

This application was denied by the Commission on November 5, 1957 (Decision No. 55784), because of an apparent lack of financial resources sufficient to enable applicant to institute and maintain the proposed service.

Petition for rehearing was filed on January 24, 1958. Said petition alleges that the principal creditor of applicant is willing to accept common stock in applicant in return for his notes, thus substantially improving applicant's financial structure.

Upon consideration of the allegations of the application and petition, and the representations filed herein, the Commission finds that public convenience and necessity require that the application be conditionally granted to the extent set forth in the ensuing order. It appears that applicant possesses the experience, equipment and personnel 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

Based upon the application, the petition for rehearing, the exhibits attached to said application and petition, and the representations filed herein,

IT IS ORDERED:

(1) That, upon completion of the transaction referred to in Exhibit "B" to the petition for rehearing on file herein and said completion being reported to the Commission in writing, a certificate of public convenience and necessity will be granted to Prickett Transportation Co. by supplemental order herein, authorizing it 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 such certificate, when and if granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date of such certificate, applicant shall file a written acceptance thereof. By accepting such certificate of public convenience and necessity 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 such operating authority as may hereinafter be granted.

- (b) Within sixty days after the effective date of such certificate, and on not less than ten days' notice to the Commission and to the public, applicant shall establish the service which may hereinafter be 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 Los Angeles, California, this 20<sup>th</sup> day of May, 1958.

[Signature]  
 President

[Signature]

[Signature]

[Signature]  
 Commissioners

Appendix A                      PRICKETT TRANSPORTATION CO.      Original Page 1

Prickett Transportation Co., by such certificate of public convenience and necessity as may hereinafter be granted, is authorized to transport:

- (1) FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 39690 through 39730; 39790; and 40360 through 40440 of Western Classification No. 76, J. P. Hackler, Agent, on the issue date thereof,

BETWEEN:

All points in Stanislaus County, on the one hand, and San Francisco, Oakland, Alameda, Stockton and Los Angeles, on the other hand.

NOTE: The authority herein granted does not authorize transportation between San Francisco, Oakland, Alameda, Stockton and Los Angeles, nor does it authorize service to intermediate points.

- (2) GLASSWARE, as listed under that heading in Items Nos. 46280 through 46315 of Western Classification No. 76, J. P. Hackler, Agent, on the issue date thereof,

BETWEEN:

Los Angeles, on the one hand, and points in Stanislaus County, on the other hand.

NOTE: No service to intermediate points is authorized by this paragraph.

- (3) SCRAP, TIN PLATE OR TERNE PLATE, as listed under that heading in Item No. 54830 and TERNE PLATE OR TIN PLATE, as listed under that heading in Items Nos. 55080 through 55110 of Western Classification No. 76, J. P. Hackler, Agent, on the issue date thereof,

BETWEEN:

Points in Stanislaus County, Stockton and San Francisco.

NOTE: No service to intermediate points is authorized by this paragraph.

End of Appendix "A"

Issued by California Public Utilities Commission

Decision No. 56720, Application No. 36400.