

Decision No. 56820

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of BALSER TRUCK CO., a)
corporation, for a certificate of)
public convenience and necessity)
to operate as a highway common)
carrier of property within the State)
of California, between points and)
places herein designated.)

Application No. 36464

Vincent Matthew Smith for Balser Truck Co.,
applicant.

Richard D. Hassenplug of Glanz & Russell for Desert
Express; Richard C. Reid for Western Truck Lines,
Ltd., protestants.

O P I N I O N

Balser Truck Co., a corporation, is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing it to conduct service as a highway common carrier for the transportation of specific commodities in the Los Angeles territory, the San Francisco territory, the San Diego territory, and other points in northern, central, and southern California.

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 March 11, 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 modified or canceled 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 Balser Truck Co., authorizing it to operate 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, Balser Truck Co. shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, Balser Truck Co. shall file a written acceptance of the certificate herein granted. By accepting the certificate of public

convenience and necessity herein granted, Balser Truck Co. 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, Balser Truck Co. 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 9th day of June, 1958.

[Signature]
President

[Signature]

[Signature]

Commissioners

Ray E. Untereiner
Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.

(A) Balsler Truck Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the commodities 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) Between 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: Wilmington, South Gate, Long Beach and Trona.

(B) Balsler Truck Co. is authorized to transport the following commodities:

- (1) ACIDS, VIZ.:
Acetic, glacial or liquid
Phosphoric
Sulphuric
- (2) CHEMICALS, as listed under that heading in Items Nos. 21980 through 26620 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
- (3) FEED, ANIMAL OR POULTRY, as listed under that heading in Items Nos. 37030 through 37691 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
- (4) MISCELLANEOUS COMMODITIES, VIZ.:
Carboys
Fittings, pipe, iron or steel
Flour, grain
Shellac
Scap

End of Appendix A

Issued by the California Public Utilities Commission.

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