

ORIGINALDecision No. 56921

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Thomas L. Dease,
 doing business as, THOMAS L. DEASE }
 PACKAGE AND DELIVERY SERVICE to }
 operate a highway common carrier }
 service as an extension of present }
 operations as a highway common }
 carrier. }

Application No. 36233

Thomas L. Dease, in propria persona.
Harry W. Rae, for Bisher Truck Line; and
George W. Boyle, and George E. Hudgins, Jr.,
for Southern California Freight Lines,
protestants.
Russell S. Stowall, for Western Parcel Serv-
ice, and William Ross Starkey, for Pacific
Messenger Service, interested parties.

O P I N I O N

Thomas L. Dease is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Applicant seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities between points within 50 miles of San Diego.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

A public hearing was held at San Diego on May 20, 1958 before Examiner Power.

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 Thomas L. Dease, 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 Appendices A and B 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 to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

(3) That the operating right acquired by applicant under the authority of Decision No. 50964, dated January 10, 1955 in Application No. 36523, is hereby revoked and canceled, said revocation and cancellation to become effective simultaneously with the institution of service under the authority herein granted.

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

Dated at San Francisco, California, this 1st day of July, 1958.

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

Thomas L. Dease, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport general commodities between San Diego, on the one hand, and all points and places in San Diego territory as said territory is described in Appendix B, hereto attached, other than San Diego, on the other hand.

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 semiplastic 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.

Issued by California Public Utilities Commission.

Decision No. 56921, Application No. 36233.

∴

ds *

Appendix A

THOMAS L. DEASE

Original Page 2

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. 56921, Application No. 36233.

ds *

Appendix B

THOMAS L. DEASE

Original Page 1

As described in the foregoing order, San Diego territory means the area so described in Items Nos. 30-A, 32, 34, 36, 38-~~A~~ and 40-A, inclusive, Minimum Rate Tariff No. 9-A. ✓

End of Appendix B

Issued by California Public Utilities Commission.

Decision No. 56921, Application No. 36233.