

**ORIGINAL**Decision No. 56996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of MOSER TRUCKING, INC., to operate a highway common carrier service.	) ) )	Application No. 35984
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SUPPLEMENTAL OPINION AND ORDER

On November 10, 1954, applicant filed this application seeking a certificate of public convenience and necessity for the transportation of general commodities generally between all principal and intermediate points in Southern California. The application was timely filed in accordance with the terms of this Commission's Decision No. 50448 in Case No. 5478.

There are no protestants of record in this matter. The Commission determined that public hearing was not necessary, and on November 12, 1957 this Commission entered an order denying the application, as amended, on the grounds that "it appears that applicant does not possess the equipment and financial resources to institute and maintain the proposed operation."

Applicant has filed a petition seeking reconsideration of the opinion and order heretofore entered by the Commission. Meritorious affidavits attached to said petition have persuaded the Commission that reconsideration is warranted. The previous decision in this matter will be vacated.

From the record it appears that applicant is engaged in the transportation of property in California pursuant to permits issued by this Commission.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission. There are no protestants of record in this matter. The Commission is of the opinion that a public hearing is not necessary.

Upon consideration of the allegations of the application, as amended, in the affidavits filed by applicant in seeking reconsideration in this matter, 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.

IT IS ORDERED that:

1. Decision No. 55828, in Application No. 35984, is hereby vacated.
2. A certificate of public convenience and necessity is granted to applicant, 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 as more particularly set forth in Appendix A attached hereto and made a part hereof.
3. 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 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, applicant 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 15<sup>th</sup> day of JULY, 1958.

[Signature]  
President  
[Signature]  
[Signature]

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Commissioners

Moser Trucking, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. AUTOMOBILE PARTS OR ACCESSORIES, as listed under that heading in Items Nos. 8110 through 9340 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
2. CONDUITS, PIPE, SMOKESTACKS, TUBING OR FITTINGS, OTHER THAN CLAY, CONCRETE OR EARTHEN, as listed under that heading in Items Nos. 29220 through 30440 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
3. VEHICLE PARTS, as listed under that heading in Items Nos. 93455 through 94790 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
4. WASHERS OR GASKETS, as listed under that heading in Items Nos. 95035 through 95110 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
5. MISCELLANEOUS COMMODITIES, VIZ.:
  - Antennae, radio
  - Automobile repair creepers or trays
  - Balancers, wheel, automobile
  - Batteries, electric
  - Bearings, ball or roller
  - Bluing, laundry
  - Brake lining
  - Brake, shock absorber or hydraulic system fluid
  - Brushes, paint
  - Carburetors
  - Chargers, battery
  - Chests, tool
  - Circuit breakers or switches
  - Clutches
  - Compounds, cleaning, scouring or washing

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## 5. MISCELLANEOUS COMMODITIES (continued):

Crank shafts  
 Cream, shaving  
 Drums, empty  
 Engines, internal combustion  
 Facings, clutch  
 Filters, oil  
 Generators, electric or parts  
 Guns, grease or oil  
 Hose, rubber  
 Jacks, automobile  
 Lacquer  
 Lenses, lamp  
 Motors, electric  
 Mufflers, exhaust, gas engine  
 Naphtha, petroleum  
 Oil, lubricating, petroleum  
 Paint  
 Pipes, exhaust  
 Polish, vehicle  
 Radiators, engine cooling  
 Radio receiving sets, automobile  
 Rings, piston  
 Soap  
 Spark plugs  
 Springs, motor vehicle  
 Thinning, compounds, paint, lacquer or varnish  
 Tire boots, patches, reliners, shoes or treads  
 Tires, pneumatic  
 Tools, mechanics' hand  
 Varnishes  
 Weather stripping, automobile  
 Wheels, fly  
 Windshield wiper arms or blades

in the following described territory:

The area embraced by the following boundary:  
 Beginning at the intersection of Sunset Boulevard  
 and U. S. Highway No. 101, Alternate, in the County  
 of Los Angeles; thence northeasterly on Sunset  
 Boulevard to State Highway No. 7; northerly along

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State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 until it intersects U. S. Highway No. 66; easterly along U. S. Highway No. 66 until it intersects with State Highway No. 71; south along State Highway No. 71 until it intersects State Highway No. 18; westerly along State Highway No. 18 until it intersects State Highway No. 55; southerly along said State Highway No. 55 and an imaginary southerly extension thereof until said extension intersects with the Pacific Ocean; thence along the Coastline to the point of beginning.

End of Appendix A

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Decision No. 56906, Application No. 35984.