

ORIGINALDecision No. 57073

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of John V. Driskell
 doing business as,
 JOHN V. DRISKELL TRUCKING AND TRANSFER
 to operate a highway common carrier service. } Application No. 36100

Ernest F. Shelander, for applicant.
Turcotte & Goldsmith, by Jack O. Goldsmith, for
 Loyd B. Turner; Melvin A. Pixley, for Pixley
 Transportation; R. C. Fels, for A.T.L. Inc.;
John B. Robinson, for Southern California
 Freight Lines; Richard C. Reid, for Western
 Truck Lines, Ltd.; Jackson W. Kendall, for
 Bekins Van Lines, Inc., protestants.
 Anthony V. Danna, for Furniture Manufacturers
 Association of Calif; Sam O. Sciortino, for
 Lad's Furniture Freight, Inc., W. L. Thompson, Jr.,
 for Santa Fe Transportation, interested parties.

O P I N I O N

John V. Driskell 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 new furniture and paper products between San Francisco-Sacramento, Los Angeles basin and San Diego.

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

Public hearings were held at Los Angeles on May 22 and June 13, 1958 before Examiner John 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 John V. Driskell, 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, B and C 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.

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

Dated at San Francisco, California, this 29th day of July, 1958.

E. L. Fox
President

Paul L. Kramer

Thomas J. ...

Commissioners

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

John V. Driskell, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport new furniture as listed under that heading in Items Nos. 42350 through 44240 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

The following miscellaneous commodities may be transported only when tendered in a mixed shipment with new furniture as above described:

Stoves or ranges, iron or steel or aluminum and iron or steel combined
Heaters, gas or electric
Broilers
Coolers, cooling boxes, cooling rooms or refrigerators
Air coolers, heaters, humidifiers, dehumidifiers and washers and blowers or fans combined. This authority extends only to portable units and units designed to serve a single room.
Dish washing machines
Dish washing machines and cabinet sinks combined
Household Laundry, viz:
drying machines
ironing machines
washing and drying machines, combined
washing machines, with or without dishwashing attachment
Garbage disposal units, sink, household, electric
Used office, store, school and institutional furniture

between San Francisco territory as shown on Appendix B hereto attached on the one hand and Los Angeles territory as shown on Appendix C hereto attached on the other hand.

Note: Service to intermediate points is not authorized.

Issued by California Public Utilities Commission

Decision No. 57073, Application No. 36100.

SAN FRANCISCO TERRITORY includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwestly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along 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 to and including the City of Pasadena; easterly along U. S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.