

ORIGINALDecision No. 57167

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GILBOY CO., INC., a corporation,
 for an in lieu certificate of public
 convenience and necessity to operate
 as a highway common carrier.

Application No. 39982

O P I N I O N

Gilboy Co., Inc., is a highway common carrier operating under various certificates of public convenience and necessity issued by the Commission and, by this application, seeks an in lieu certificate redescribing and redefining all of its operating rights. In addition, this carrier requests additional incidental operating authority with respect to routes, points served and commodities transported. This applicant specializes in motion picture film delivery service; it limits its carriage to motion picture film, supplies and accessories, advertising matter, and allied theatre products.

Applicant alleges that an in lieu certificate is needed in order to clarify and correctly describe all of its operating rights. It appears some of the certificates granted to this carrier overlap and duplicate prior authorizations and as a result cause uncertainty as to the scope of the applicant's rights. It is alleged a completely integrated operation cannot be conducted when portions of certificates are subject to different limitations as to points served, routes authorized and commodities carried. It is proposed that this new certificate restate all of the applicant's operative rights by this decision and cancel the existing authority.

A public hearing on this matter is not necessary. No protest to this application has been received. After full consideration of the applicant's request the Commission finds that public convenience and necessity require that the application be granted.

This restatement of the operating rights, with all the additions, amendments, changes, and modifications thereto, will consist of the new certificate as requested, and in addition an appendix in loose-leaf form and shall constitute the entire and exclusive evidence of the applicant's operative authority. Based upon a finding and order of the Commission, amendments to the certificate can be accomplished by the issuance of substitute sheets to the appendix. Said certificate will categorically set forth the scope of operations together with all of the rights, restrictions, limitations and privileges applicable thereto. All presently existing certificates of public convenience and necessity held by the applicant will be revoked and annulled.

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

The Commission having considered the application and representations filed herein, now, therefore,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Gilboy Co., Inc., 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, and subject to the limitations, restrictions and specifications contained therein. Service under this certificate shall be conducted as a single, consolidated and unified operation. All presently existing certificates of public convenience and necessity, together with all the operating authorities heretofore granted, held by Gilboy Co., Inc., are hereby revoked coincident with the commencement of service and the filing of tariffs under the authority delineated and granted herein.

(2) That in providing service pursuant to the certificate herein granted Gilboy Co., Inc., shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, Gilboy Co., Inc., shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, Gilboy Co., Inc., 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 to the public, Gilboy Co., Inc., 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 twenty days after the date hereof.

Dated at San Francisco, California, this 12th day of August, 1958.

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

(A) Gilboy Co., Inc., 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 (C) from, to and between all the following cities, points and places, over and along all public highways and roads connecting said cities, points and places, including all off-route points and places within 10 miles of said highways and roads.

San Francisco, Oakland, Emeryville, Berkeley, Albany, Piedmont, Alameda, San Leandro, Hayward, Richmond, Pinole, Rodeo, Crockett, Vallejo, Fairfield, Suisun, Vacaville, Dixon, Davis, Woodland, Arbuckle, Williams, Colusa, Lincoln, Auburn, Roseville, North Sacramento, Sacramento, Walnut Grove, Isleton, Rio Vista, Antioch, Pittsburg, Port Chicago, Martinez, Benicia, Petaluma, Santa Rosa, Sebastopol, Healdsburg, Calistoga, St. Helena, Napa, Redding, Red Bluff, Corning, Orland, Willows, Chico, Oroville, Gridley, Marysville, Mount Eden, Pleasanton, Livermore, Tracy, Patterson, Newman, Gustine, Los Banos, Dos Palos, Firebaugh, Fresno, Madera, Chowchilla, Merced, Livingston, Turlock, Modesto, Oakdale, Manteca, Selma, Hanford, Lemoore, Visalia, Tulare, Delano, Porterville, Lindsay, Exeter, Dinuba, Reedley, Sanger, Bakersfield, Project City, San Bruno, Burlingame, San Mateo, Redwood City, Palo Alto, Mountain View, Sunnyvale, Santa Clara, San Jose, Los Gatos, Santa Cruz, Watsonville, Monterey, Pacific Grove, Carmel, Salinas, San Luis Obispo, Hollister, Gilroy, Morgan Hill, Stockton, Jackson, Placerville, Walnut Creek, Concord, Pittsburg, Lodi, Galt, Eureka, Arcata, Sausalito, San Rafael, Cloverdale, Willits, Garberville, Fortuna, Mill Valley, Ferndale, Weaverville, Colfax, Grass Valley, Nevada City, Winters, Niles, Willow Glen (Santa Clara County), Clovis, Riverdale, Coalinga, Avenal, Tulare, Corcoran, Wasco, Shafter, and Los Angeles, serving all intermediate points on public highways and roads connecting said points.

Restriction: No local service shall be performed between Los Angeles and Bakersfield and intermediate points, or between Los Angeles and San Luis Obispo and intermediate points.

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(B) In addition, Gilboy Co., Inc., is authorized to transport the commodities set forth in paragraph (C) from, to and between all cities, points and places on U. S. Highways 40 and 50 between Sacramento and the California-Nevada State line.

(C) Gilboy Co., Inc., is authorized to transport the following commodities:

1. BAKERY GOODS, as listed under that heading in Items Nos. 9745 through 9820 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
2. CANDY OR CONFECTIONERY, as listed under that heading in Items Nos. 20050 through 20200 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
3. MISCELLANEOUS COMMODITIES, VIZ.:
 - Advertising matter, paper, printed
 - Bags, paper
 - Bananas, frozen
 - Belts, projecting machine
 - Beverages, flavored or phosphated
 - Bill poster sheets, cloth or paper
 - Boxes, fibreboard (paper boxes)
 - Brushes, paint
 - Carbons, projecting machine
 - Chili con carne
 - Cigarettes
 - Cigars, tobacco
 - Coffee
 - Colors (paint), water or oil, dry or liquid
 - Cones, ice cream
 - Crayons, marking
 - Cups, paper or plastic
 - Dishes, paper or plastic
 - Display cards, flat or folded flat
 - Film, motion picture
 - Forks, plastic or wooden
 - Frankfurters
 - Gas, carbon dioxide
 - Gaskets, felt, fibre, leather or rubber

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Globes or bulbs:
 Electric tube (fluorescent)
 Incandescent electric lamp, without fittings
Heaters, car
Lenses, camera
Letters, alphabetical, or numbers, theatre marquee
Loud speaker units, without cabinets
Machines, coin operated
Matches
Meats, canned
Milk, condensed or evaporated
Milk beverage, chocolate flavored
Mirrors
Motion picture projectors
Motors, electric, including parts
Mustard, prepared
Napkins, paper
Napkins, sanitary
Oil, cooking
Paper, wax
Parts, motion picture projector
Pies, pizza
Plates, paper
Popcorn
Poppers, corn
Programs, printed, paper
Reels, motion picture film, empty
Reflectors, glass, iron or steel
Salt
Sandwiches
Spoons, plastic or wooden
Straws, drinking
Sugar
Switches, electric
Syrups
Ticket choppers (ticket canceling boxes)
Tickets (register), printed
Transformers
Trays, paper
Tubes, vacuum or electronics
Uniforms

End of Appendix A

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