

ORIGINALDecision No. 57834

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of BLANKENSHIP MOTORS, INC., a)
corporation, for modification of)
a certificate of public conven-)
ience and necessity to operate as)
a highway common carrier for the)
transportation of property.)

Application No. 39785

Berol and Silver, by Bertram S. Silver for
applicant.

O P I N I O N

A certificate of public convenience and necessity as a highway common carrier was granted to applicant by Decision No. 52201 in Application No. 36012. This certificate has been twice amended, the second time by Decision No. 57117 in the present proceeding. Applicant, in this application, had requested, among other things, the right to carry canned goods between Oakland and Alameda on the one hand and Los Angeles Basin Territory on the other hand. This request not having been disposed of, a public hearing was held on it before Examiner John Power in San Francisco on October 17, 1958. At the conclusion of the hearing the matter was submitted. There were no protests.

Applicant presented an operating witness, three public witnesses and eight exhibits. The public witnesses were traffic managers of large canned goods shippers. They all ship to any and every point in the Los Angeles Basin where a retail outlet for their type of product can be found. All were acutely aware of the savings to be had by using truckload rates with split delivery. All had

found applicant's service satisfactory and desired to continue their patronage. They will not do this, however, if it will increase their shipping costs.

The Commission is of the opinion and finds that public convenience and necessity require that the requested authority be granted.

Applicant's certificate will be restated in current form. Routes included in the old certificate will be eliminated except to the extent necessary to define authorized points.

Blankenship Motors, Inc. 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

Public hearing having been held and the Commission basing its decision on the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Blankenship Motors, 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 more particularly set forth in Appendices, A, B, C, & D 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 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.

(3) Simultaneously with the institution of service under the authority herein granted the operating rights granted to applicants by the decisions set forth below shall be revoked, cancelled and annulled.

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52291
57117

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

Dated at San Francisco, California, this 6th day of January, ¹⁹⁵⁷~~1956~~.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Blankenship Motors, Inc. by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

- (1) General commodities for mail order houses and their retail stores between Auburn, Bakersfield, Chico, Eureka, Fresno, Gilroy, Hanford, Madera, Marysville, Merced, Modesto, Monterey, Napa, Oroville, Petaluma, Pittsburg, Pomona, Porterville, Red Bluff, Redding, Riverside, Sacramento, Salinas, San Diego, San Luis Obispo, San Rafael, Santa Ana, Santa Barbara, San Bernardino, Santa Cruz, Santa Rosa, Stockton, Tracy, Tulare, Turlock, Ukiah, Vallejo, Ventura, Visalia, Watsonville, Woodland, Yreka, Paso Robles, points within San Francisco Territory as described in Appendix B, hereto attached, and points within Los Angeles Territory, described in Appendix C, hereto attached.

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- (2) Canned goods, truck wheels, printed matter, pallets, peanut butter, coffee, ink, household laundry drying and washing machines, wet storage batteries, fire extinguishers, tractor harness, electric ranges lubricating grease (regular), lubricating oil, auto and auto body parts, TV sets, pliofilm bags, shakes, paint, between the following points:
- (a) San Diego and San Francisco and intermediate points on U. S. Highways 101 and 101 Alternate.
 - (b) Los Angeles and Sacramento and intermediate points on U. S. Highway 99.
 - (c) Los Angeles and San Bernardino and intermediate points on U. S. Highway 66.
 - (d) Los Angeles and Colton and intermediate points on U. S. Highways 60, 70 and 99.
 - (e) Los Angeles and Riverside and intermediate points on U. S. Highway 60.
 - (f) Oakland and Alameda, on the one hand, and all points authorized to be served above, on the other hand.
 - (g) Any and all other public streets, roads and highways for operating convenience.

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The authority granted in paragraph (2) above is subject to the following conditions:

Applicant shall not render service:

- (a) Between points north of Los Angeles on and along U. S. Highway 101 and San Francisco, on the one hand, and Sacramento, Lodi and Stockton and intermediate points, on the other hand.
- (b) Between San Francisco Territory, as defined in Minimum Rate Tariff No. 2, on the one hand, and Sacramento, Lodi and Stockton and intermediate points, on the other hand.
- (c) Between Sacramento, Stockton and intermediate points.
- (d) Between points in said San Francisco Territory and between such points, on the one hand, and Soledad, and intermediate points, on the other hand.

(3) Canned goods between Oakland and Alameda, on the one hand, and Los Angeles Basin Territory as described in Appendix D hereto attached, on the other hand.

NOTE: The term "canned goods" as used herein means any commodity enumerated in either of the following:

- (a) Item 610-0 series, Minimum Rate Tariff No. 2, or
- (b) Item 210-J, of Exception Sheet 1-S to Western Classification No. 76 of Pacific Southcoast Freight Bureau, Agent.

(4) Applicant may use any street, road or highway or combination of such thoroughfares whenever necessary or convenient to carry out the authority herein granted.

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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 Collogo 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; southwesterly 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.

APPENDIX C TO DECISION No. 57834

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.

LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; north-westerly along U. S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.