

ORIGINALDecision No. 58141

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 CALIFORNIA FREIGHTWAYS, a corporation,
 to sell and CALIFORNIA MOTOR TRANSPORT
 CO., LTD., a corporation, to purchase
 certificate of public convenience and
 necessity between Los Angeles and
 San Diego Territory.

Application No. 40775

O P I N I O N

By Decision No. 54856 California Freightways was authorized to transport general commodities, with certain exceptions, between Los Angeles, on the one hand, and San Francisco, Oakland, Fresno, Bakersfield, Compton, Long Beach and San Diego Territory, on the other hand. Authority is now requested to transfer to California Motor Transport Co., Ltd., that portion of said operative rights between Los Angeles, on the one hand, and Long Beach and San Diego Territory, on the other hand, including the intermediate points on or within three miles laterally of (1) U.S. Highway No. 101 between San Diego Territory and Los Angeles; (2) U.S. Highway No. 101-A between Long Beach and the junction of U.S. Highways Nos. 101 and 101-A near Doheny Park; and (3) U.S. Highway No. 101-Bypass between its junction with U.S. Highway No. 101 near Pico and between Anaheim and Santa Ana.

According to a copy of the sales agreement attached to the application said operative rights, together with the business goodwill of the seller pertaining to the area involved would be transferred for a cash consideration of \$15,000, payable within 15 days

after the effective date of an order by this Commission authorizing the transfer. A value of \$7,500 is placed upon the operative rights and the balance represents goodwill.

California Motor Transport Co., Ltd., is presently engaged as a highway common carrier serving a substantial area in California and has the experience and financial ability to provide the proposed service.

California Motor Transport Co., Ltd., is hereby placed upon 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, they 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.

After consideration the Commission is of the opinion and so finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. ✓

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That on or before August 1, 1959, California Freightways is hereby authorized to sell and transfer and California Motor Transport Co., Ltd., is hereby authorized to purchase and acquire the goodwill and that portion of the operative rights granted by Decision

No. 54856 as set forth in Appendix A, attached hereto.

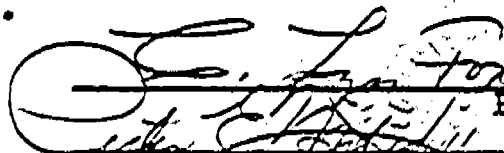
(2) That, within thirty days after the consummation of the transfer herein authorized, California Motor Transport Co., Ltd., shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

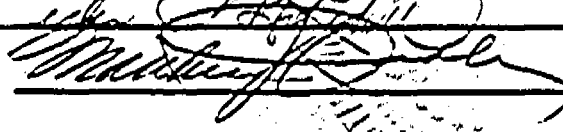
(3) That, on not less than five days' notice to the Commission and to the public, applicants shall, effective concurrently with the consummation of such transfer, amend or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved, including joint rate arrangements, to show that California Freightways has withdrawn or canceled and California Motor Transport Co., Ltd., has adopted or established as its own said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

(4) That Appendix A attached to Decision No. 54856 is hereby amended by incorporating therein First Revised Pages 1 and 2 attached hereto.

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

Dated at San Francisco, California, this 17th day of March, 1959.



President


Commissioners

Appendix A CALIFORNIA MOTOR TRANSPORT CO., LTD. Original Page 1

By the decision noted below California Motor Transport Co., Ltd., was authorized to acquire from California Freightways the authority to transport general commodities between Los Angeles, on the one hand, and Long Beach and San Diego Territory, on the other hand, including the right to serve intermediate points on or within three miles laterally of (1) U.S. Highway No. 101 between San Diego Territory and Los Angeles; (2) points on U.S. Highway No. 101-A between Long Beach and the junction of U.S. Highways Nos. 101 and 101-A near Doheny Park; and (3) U.S. Highway No. 101-Bypass between its junctions with U.S. Highway No. 101 near Pico and between Anaheim and Santa Ana. (San Diego Territory means all points and places within the area hereinafter delineated.)

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.

Issued by California Public Utilities Commission.

Decision No. 58141, Application No. 40775.

Appendix A CALIFORNIA MOTOR TRANSPORT CO., LTD. Original Page 2

5. Liquids, compressed gases, commodities in semi-plastic 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.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Issued by California Public Utilities Commission.

Decision No. 58173, Application No. 40775.

SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Romona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

Issued by California Public Utilities Commission.

Decision No. 52151, Application No. 40775.

California Freightways, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between Los Angeles, on the one hand, and San Francisco, Oakland, Fresno, Bakersfield and Compton, on the other hand.

NOTE 1: The authority herein granted does not include the right to serve intermediate or off-route points.

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.

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Appendix A

CALIFORNIA FREIGHTWAYS
(a corporation)

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5. Liquids, compressed gases, commodities in semi-plastic 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.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Issued by California Public Utilities Commission.

Decision No. 581A1, Application No. 40775.