

ORIGINALDecision No. 58300

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 DON H. HAWKEY, doing business as)
 HAWKEY TRANSPORTATION, for an exten-) Application No. 40528
 sion of his certificate of public)
 convenience and necessity to operate)
 as a highway common carrier.)

Marvin Handler for applicant.
A. J. Lyon for the Commission staff.

O P I N I O N

Don H. Hawkey, doing business as Hawkey Transportation and presently providing service as a highway common carrier between San Francisco Territory and Sacramento, on the one hand, and points throughout a great part of Northern California, on the other hand, requests authority to extend his service between all points and places on or within 25 miles laterally of (a) U. S. Highway No. 299 between Weaverville and Burney, (b) U. S. Highway No. 99 between Red Bluff and the California-Oregon boundary line, and (c) U. S. Highway No. 97 between its intersection with U. S. Highway No. 99 near Weed and the California-Oregon state boundary.

A public hearing was held before Examiner Thomas E. Daly on March 24, 1959 at Redding and the matter was submitted.

During the course of the hearing the application was amended to provide that applicant would transport no shipments having both point of origin and point of destination on or within one mile of U. S. Highways Nos. 99 and 97 between Red Bluff (including Red Bluff) and the California-Oregon state boundary line, including the off-route points of Fort Jones, Etna, Greenview, Montague,

Grenada, Edgewood and Callahan. No appearance was made in protest to the application as amended.

Applicant proposes service on an on-call basis. He owns and operates approximately 78 pieces of equipment and maintains terminal facilities in Oakland and Redding. As of January 31, 1959, he indicated a net worth of \$67,718.54.

Seven public witnesses testified on behalf of applicant, including the manager of the Redding Chamber of Commerce. The record indicates that the proposed service would be used for the purpose of transporting materials and supplies to large dam sites, as well as to electric power and irrigation projects. Several witnesses testified that applicant's open and flat bed equipment is necessary for the transportation of heavy and bulky shipments.

An exhibit introduced by the Commission's staff describes the economic growth and development of the proposed area. Reference was made to the Trinity River development, which is expected to be a major feature of the Central Valley Project. Surplus water from the Trinity River Basin will be stored, regulated and diverted through a system of dams, reservoirs, power plants, tunnels and conduits into water-deficient areas of the Central Valley Basin. Redding, being the nearest city, will therefore be the rail head for the project.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the granting of the authority sought.

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

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

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Don H. Hawkey, doing business as Hawkey Transportation, authorizing the transportation of property as a highway common carrier between the points and over the routes as set forth in Appendix A attached hereto.

(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.
- (b) Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicant shall establish the service herein authorized and shall file, in triplicate, and concurrently make effective, amendments to his tariffs satisfactory to the Commission to reflect the authority herein granted.

(3) That Appendix A of Decision No. 53365 is hereby amended by substituting First Revised Pages 1 and 2 attached hereto in the place and stead of Original Pages 1 and 2.

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

Dated at San Francisco, California, this 21st day of April, 1959.

[Signature]
President
[Signature]
[Signature]
Theodore Jenner
Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

Don H. Hawkey, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between San Francisco Territory (as described in Appendix B hereto attached) and Sacramento, on the one hand, and all points and places on or within 25 miles laterally of (a) U. S. Highway No. 299 between Weaverville and Burney, (b) U. S. Highway No. 99 between Red Bluff and the California-Oregon state boundary line, and (c) U. S. Highway No. 97 between its intersection with U. S. Highway No. 99 near Weed and the California-Oregon state boundary line; petroleum products not in bulk in tank vehicles only, between Oleum, on the one hand, and the points enumerated in (a), (b), (c) above and Chico, on the other hand; general commodities between all points and places on or within 25 miles laterally of (a) U. S. Highway No. 299 between Weaverville and Burney, (b) U. S. Highway No. 99 between Red Bluff and the California-Oregon State boundary line, and (c) U. S. Highway No. 97 between its intersection with U. S. Highway No. 99 near Weed and the California-Oregon state boundary line.

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.

Issued by the California Public Utilities Commission.

Decision No. 58200, Application No. 40528.

- (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 refrigerator equipment.
- (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.

Applicant shall transport no shipment having both point of origin and point of destination on or within one mile of U. S. Highways Nos. 99 and 97 between Red Bluff (including Red Bluff) and the California-Oregon state boundary line including the off-route points of Fort Jones, Etna, Greenview, Montague, Grenada, Edgewood and Callahan.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 58300, Application No. 40528.