

ORIGINALDecision No. 58571

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 G. A. HUTCHINSON, JR., an individual,)
 doing business as G. A. HUTCHINSON &)
 SON DRAYING, for a certificate of)
 public convenience and necessity to)
 operate as a highway common carrier.)

Application No. 40584

Berol & Silver, by Bertram S. Silver, for applicant.
A. J. Lyon, for the Commission staff.

O P I N I O N

G. A. Hutchinson, Jr., doing business as G. A. Hutchinson & Son Draying, presently rendering service as a highway common carrier for the transportation of general commodities in the San Francisco East Bay Cartage Zone, requests authority to extend service for the transportation of paper and paper products, electrical appliances and supplies, bottles, clocks, scales and lunch boxes from San Francisco, on the one hand, to all points and places on the following highways between and including the cities named, on the other hand:

- (a) Between San Mateo and San Jose via U.S. Highway 101 By-Pass.
- (b) Between San Mateo and San Jose via U.S. Highway 101.
- (c) Between Hayward and San Jose via State Highway 9.
- (d) Between San Lorenzo and San Jose via State Highway 17.

A public hearing was held before Examiner Thomas E. Daly on February 20, 1959, at San Francisco and the matter was submitted. No appearance was made in protest to the authority sought.

In addition to his certificated service applicant has provided service as a radial carrier for the transportation of bottles, clocks, scales, lunch boxes, paper, paper products, electrical appliances and supplies from San Francisco to points south of San Mateo and Hayward to and including San Jose. Applicant stated that his customers have requested the continuance of said service. Applicant assertedly filed the instant application because of the frequency of the movements to the proposed points and in the interest of proper regulation. Because of the limited range of commodities requested and the limited territory involved applicant does not believe that there would be a diversion of traffic from other carriers.

Two public witnesses testified. One represented a company engaged in the manufacture and distribution of household goods and the other represented a company engaged in the manufacture and distribution of paper and paper products. Both testified that their companies make substantial use of applicant's certificated service as well as his permitted service to the proposed area. They also testified that if certificated they would continue to use applicant's service.

An exhibit prepared and introduced in evidence by a Commission staff witness indicated that there are approximately thirty-six certificated carriers engaged in the transportation of general commodities in the area here involved. The exhibit also indicated that since 1940 the proposed area has experienced a tremendous growth in population as well as industrial development.

After consideration, and in the absence of protest, 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 G. A. Hutchinson, Jr., doing business as G. A. Hutchinson & Son Draying, 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 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 to 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 twenty days after the date hereof.

Dated at San Francisco, California, this 8th day of June, 1959.

[Signature]
 President

[Signature]

[Signature]

[Signature]
 Commissioners

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

G. A. HUTCHINSON & SON DRAYING

G. A. Hutchinson, Jr., by the decision noted in the margin below, is authorized to transport the following commodities:

1. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, as listed under that heading in Items Nos. 34020 through 35430 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
2. PAPER, as listed under that heading in Items Nos. 75260 through 75871 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
3. PAPER ARTICLES, as listed under that heading in Items Nos. 75890 through 76980 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
4. SCALES, as described in Items Nos. 65430 through 65531 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
5. MISCELLANEOUS COMMODITIES, viz.:
Bottles, glass
Boxes, lunch
Clocks

FROM:

San Francisco, on the one hand,

TO:

All points and places on the following highways between and including the cities named, on the other hand:

- (a) Between San Mateo and San Jose via U.S. Highway 101 By-Pass.
- (b) Between San Mateo and San Jose via U.S. Highway 101.
- (c) Between Hayward and San Jose via State Highway 9.
- (d) Between San Lorenzo and San Jose via State Highway 17.

Issued by California Public Utilities Commission.

Decision No. 58571, Application No. 40584.