

**ORIGINAL**

Decision No. 58984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of H. F. REILLEY, dba CALIFORNIA FIREPROOF STORAGE & TRANSFER COMPANY, to operate a highway common carrier service.	) ) ) ) )	Application No. 36037
---	-----------------------	-----------------------

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, H. F. Reilley was granted a certificate which is described in part by reference to a territorial description contained in a minimum rate tariff. As the certificate is worded, some question may arise whether any amendment to the territorial description of the minimum rate tariff would be incorporated automatically into this certificate.

It is apparent that any changes made by the Commission in the territorial descriptions set forth in the minimum rate tariffs are predicated on minimum rate considerations and not public convenience and necessity. On the other hand, any changes in a highway common carrier's certificate of public convenience and necessity must be based solely on public convenience and necessity. It is the Commission's conclusion that the territory referred to in the certificate is the corresponding territory as described in the minimum rate tariff at the time the certificate was issued. Any other interpretation would result in a certificate that could be expanded or contracted without any consideration of public convenience and necessity.

The following order will clarify the certificate by stating the territorial description specifically by metes and bounds.

Therefore, good cause appearing,





IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted H. F. Reilley by Decision No. 52758, dated March 13, 1956, as amended, in Application No. 36037, is hereby further amended by substituting First Revised Page 1 in place and stead of Original Page 1 of Appendix "A" to said decision, and by adding a new appendix to be known as Appendix "B" hereto attached.

(2) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Thomas A. Reilley, Executor of the Estate of H. F. Reilley, deceased, shall amend his tariffs on file with the Commission to reflect the clarification of the certificate here involved.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of September, 1959.

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

H. F. Reilley, by certificate of public convenience and necessity noted in the margin, is authorized to transport general commodities between:

- (1) Stockton, on the one hand, and points on U. S. Highway 99 between Sacramento and Fresno, both inclusive, on the other hand. Applicant shall not render intermediate service to, from or between Sacramento and Fresno.
- (2) Stockton, on the one hand, and points on State Highways 33 and 152 between Patterson and Los Banos, both inclusive, on the other hand. Applicant shall not render intermediate service to, from or between Patterson and Los Banos.
- (3) San Francisco, South San Francisco, Piedmont, Oakland, Richmond, Alameda, El Cerrito, Albany, Berkeley, Emeryville, Treasure Island, San Pablo, San Leandro, Pleasanton and Livermore, on the one hand, and Stockton pick-up and delivery zone limits, as said limits are described in Appendix "B" attached hereto, on the other hand, and between said points on the one hand, and Tracy, Lyoth (U. S. Army Base), Lathrop (including Sharpe's General Depot) and French Camp, on the other hand. Such authority does not include the right to render service to, from or between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications as to said separate authorities above set forth at numbers (1), (2) and (3) hereof.

Issued by the California Public Utilities Commission.

Decision No. 58984, Application No. 36037.

APPENDIX "B" TO DECISION NO. 58984

Stockton pickup and delivery zone limits include the area embraced by the following boundary:

all of the City of Stockton, also from the intersection of McKinley Avenue and the corporate boundary of the City of Stockton, southerly along McKinley Avenue to a point 600 feet south of Ivy Avenue and the territory bounded as follows:

Beginning at the northeasterly corner of Oak Park, thence easterly along Calaveras Avenue to West Lane, southerly along West Lane to County Road, easterly along County Road to Sanguinetti Lane, southerly along Sanguinetti Lane to Waterloo Road, northeasterly along Waterloo Road to Washington Street, southerly along Washington Street and Epstein Avenue to Linden Road, easterly along Linden Road to David Avenue, southerly along David Avenue and its prolongation to the right of way of the Southern Pacific Company (Oakdale Branch), westerly along the Southern Pacific Company right of way to Monterey Street, southerly along Monterey Street and its prolongation to Copperopolis Road, westerly along Copperopolis Road to the corporate boundary of the City of Stockton, northerly and westerly along said corporate boundary to point of beginning.

Beginning at the intersection of Moss Avenue and the corporate boundary of the City of Stockton, thence westerly along Moss Avenue to French Camp Turnpike, northerly along French Camp Turnpike to Garwood Ferry Road, westerly along Garwood Ferry Road to the San Joaquin River, northwesterly along the east bank of the San Joaquin River to the corporate boundary of the City of Stockton, easterly and southerly along said corporate boundary to point of beginning.

Issued by the California Public Utilities Commission.

Decision No. 58984, Application No. 36037.