

ORIGINAL

Decision No. 58985

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Paul R. and Jack B.)
Kemp, dba California Delivery)
Service, to operate a highway)
common carrier service.)

Application No. 36412

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, Paul R. and Jack B. Kemp were 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,

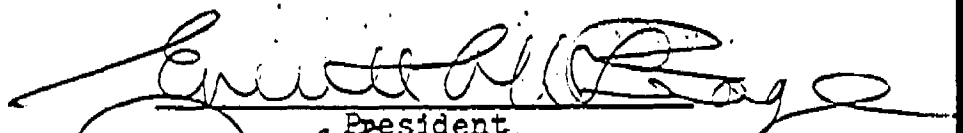
IT IS ORDERED:


(1) That the certificate of public convenience and necessity granted Paul R. and Jack B. Kemp, by Decision No. 51718, dated July 18, 1955, in Application No. 36412, is amended by providing that, where reference is made to Los Angeles Territory, such territory is as described in Appendix "B" hereto attached.

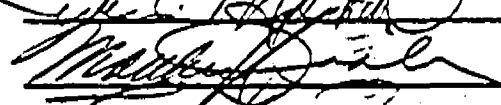
(2) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Paul R. and Jack B. Kemp shall amend their tariffs on file with the Commission to reflect the clarification of the certificate here involved.

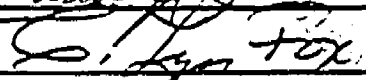
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of September, 1959.



President






Commissioners

APPENDIX "B" TO DECISION NO. 58988

Los Angeles Territory includes the 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; southoasterly 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.

Issued by the California Public Utilities Commission.

Decision No. 58988, Application No. 36412.