

Decision No. 58989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PAUL KUNDE and R. M. CARROLL, copart-)
ners doing business as ASSOCIATED)
TRANSPORTATION CO., to transfer cer-)
tificates of public convenience and)
necessity, permits, and property to)
ASSOCIATED TRANSPORTATION CO., INC.,)
a corporation, and to issue stock and)
assume certain obligations.)

Application No. 36715

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, Associated Transportation Co., Inc., acquired 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,

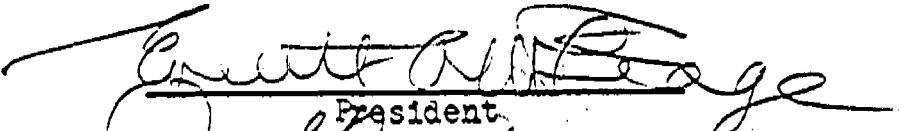
IT IS ORDERED:


(1) That the certificate of public convenience and necessity acquired by Associated Transportation Co., Inc., by Decision No. 51196, dated March 15, 1955, in Application No. 36715, is amended by providing that, where reference therein is made to ~~San Francisco Territory~~, such territory is as described in Appendix "A" hereto attached.

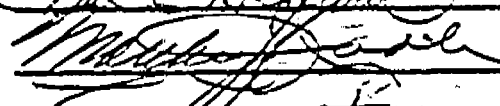
(2) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Associated Transportation Co., Inc., shall amend its tariffs on file with the Commission to reflect the clarification of the certificate here involved.

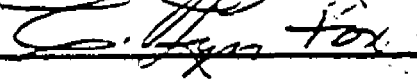
The effective date of this order shall be twenty days after the date hereof.

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



President






Commissioners

Appendix "A" ASSOCIATED TRANSPORTATION CO., INC.
 (A corporation)

San Francisco Territory includes the area embraced
by the following boundary:

Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

Issued by the California Public Utilities Commission.

Decision No. 58989, Application No. 36715.