

Decision No. 58997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GORDON A. SAMUELSON and GILBERT J.)
MUNSON, copartners, doing business)
as CIRCLE FREIGHT LINES to sell)
and transfer highway common carrier)
certificates and business to CIRCLE)
FREIGHT LINES, a corporation, and of)
CIRCLE FREIGHT LINES to issue stock.)

Application No. 35394

In the Matter of the Application of)
CIRCLE FREIGHT LINES, a corporation,)
for an extension and enlargement of)
its highway common carrier certifi-)
cates to include Martinez.)

Application No. 36003

SUPPLEMENTAL OPINION AND ORDER

By the decisions hereinafter identified, Circle Freight Lines, a corporation, acquired certificates which are described in part by reference to a territorial description contained in a minimum rate tariff. As the certificates are worded, some question may arise whether any amendment to the territorial description of the minimum rate tariff would be incorporated automatically into these certificates.

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 certificates is the corresponding territory as described in the minimum rate tariff at the time the certificates were issued. Any other interpretation would result in certificates that could be expanded or contracted without any consideration of public convenience and necessity.

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

Therefore, good cause appearing,

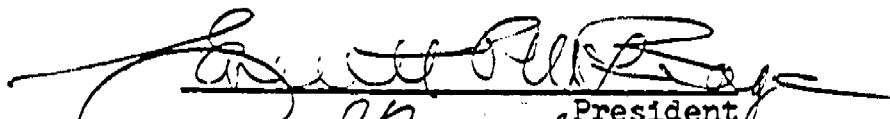
IT IS ORDERED:


(1) That the certificates of public convenience and necessity granted Circle Freight Lines by Decision No. 50047, dated May 18, 1954, in Application No. 35394, and Decision No. 52062, dated October 11, 1955, in Application No. 36003, are amended by providing that, where reference therein is made to the Oakland Pickup and Delivery Zone, such zone shall be as described in Appendix "A" hereto attached.

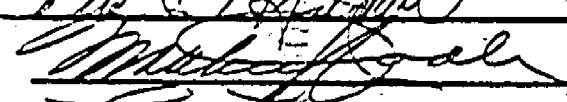
(2) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Circle Freight Lines shall amend its tariffs on file with the Commission to reflect the clarification of the certificates here involved.

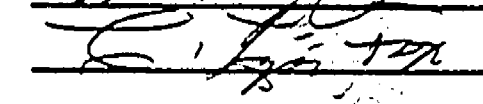
The effective date of this order shall be twenty days after the date hereof.

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



President






Commissioners

APPENDIX "A" TO DECISION NO. _____

Oakland Pickup and Delivery Zone includes the area embraced by the following boundary:

All of the City of Emeryville, also those parts of Albany, Alameda, Berkeley, Oakland and Piedmont bounded by the following:

Beginning at San Francisco Bay and Alameda-Contra Costa County Line, thence easterly along said county line to Curtis Street, southerly on Curtis Street to Solano Avenue, easterly on Solano Avenue to Tulare Avenue, southerly and westerly along city limits boundary line of Albany to Ordway Street, southerly on Ordway Street to Hopkins Street, northeasterly on Hopkins Street to Grove Street, southerly on Grove Street to Rose Street, easterly on Rose Street to Oxford Street, southerly on Oxford Street to Hearst Avenue, easterly and southerly along the city limit boundary line of Berkeley to Dwight Way southwesterly and westerly on Dwight Way to College Avenue, southerly on College Avenue to Broadway, southwesterly on Broadway to Mather Street, easterly on Mather Street and Pleasant Valley Avenue to Rose Avenue, southwesterly on Rose Avenue to Echo Avenue, southerly on Echo Avenue to Linda Avenue, easterly on Linda Avenue to Grand Avenue, southerly on Grand Avenue to Mandana Boulevard, easterly on Mandana Boulevard to Lakeshore Avenue, westerly on Lakeshore Avenue to Excelsior Avenue, easterly on Excelsior Avenue to Hopkins Street, easterly on Hopkins Street to 55th Avenue, southwesterly on 55th Avenue to Camden Street, southeasterly on Camden Street to Seminary Avenue, northeasterly on Seminary Avenue to Outlook Avenue, southeasterly on Outlook Avenue to Parker Avenue, southerly on Parker Avenue to Foothill Boulevard, southeasterly on Foothill Boulevard to the Oakland-San Leandro boundary line, westerly along the Oakland-San Leandro boundary line and its prolongation to Edes Avenue, northwesterly on Edes Avenue to Jones Avenue, westerly on Jones Avenue to 98th Avenue, easterly on 98th Avenue to Railroad Avenue, northwesterly on Railroad Avenue and its prolongation to 50th Avenue, southwesterly on 50th Avenue to San Leandro Bay, northwesterly along the shore line of San Leandro Bay and Oakland Inner Harbor to Oakland Middle Harbor, northerly along shore line of Oakland Middle Harbor and Oakland Outer Harbor and San Francisco Bay to point of beginning;

- also -

City of Alameda, beginning at High Street and Oakland Inner Harbor, thence southerly, westerly and northerly along the shore line to the mouth of the Oakland Estuary, thence easterly along the Alameda shore line of the Oakland Estuary to starting point; including Government Island.

Issued by the California Public Utilities Commission.

Decision No. 58097, Applications Nos. 35394, 36003.