

ORIGINAL

Decision No. 58999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
A. D. WOOLLEY and R. E. WOOLLEY,
co-partners doing business as
SHIPPERS EXPRESS COMPANY formerly
WESTERN TRANSPORT COMPANY, for a
certificate of public convenience
and necessity as a highway common
carrier.

Application No. 34799

In the matter of the application of
SHIPPERS EXPRESS COMPANY, a cor-
poration, for authority to issue
certain shares of its capital stock
and assume certain liabilities.

- and -

Application No. 35418

In the matter of the application of
SHIPPERS EXPRESS COMPANY, a corpora-
tion, to acquire, and A. DL WOOLLEY
and RALPH WOOLLEY, co-partners doing
business as Shippers Express Company,
to transfer assets, including certain
certificates of public convenience
and necessity and radial contract and
city carrier permits in exchange for
capital stock of Shippers Express
Company.

SUPPLEMENTAL OPINION AND ORDER

By the decisions hereinafter identified, Shippers Express Company acquired certificates which are described in part by reference to territorial descriptions contained in minimum rate tariffs. As the certificates are worded, some question may arise whether any amendments to the territorial descriptions of the minimum rate tariffs 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 territories referred to in the certificates are the corresponding territories as described in the minimum rate tariffs 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 descriptions specifically by metes and bounds.

Therefore, good cause appearing,

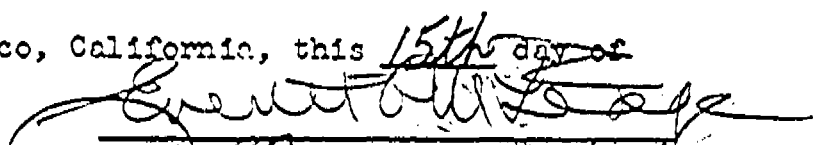
IT IS ORDERED:


(1) That the certificates of public convenience and necessity acquired by Shippers Express Company by Decision No. 50335, dated July 27, 1954, in Application No. 35418, and Decision No. 51286, dated April 5, 1955, as amended, in Application No. 34799, are hereby further amended by providing that, where reference therein is made to San Francisco Territory, Los Angeles Territory, Los Angeles Basin Territory, and San Diego Territory, such territories are as described in Appendices "A," "B," "C" and "D," respectively, hereto attached.

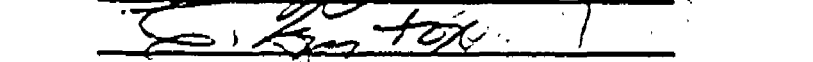
(2) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Shippers Express Company shall amend its tariffs on file with the Commission to reflect the clarification of the certificates here involved.

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




APPENDIX "A" TO DECISION NO. _____

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. 58999, Applications Nos. 34799, 35418.

APPENDIX "B" TO DECISION NO. _____

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 along 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 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. 55009, Applications Nos. 34799, 35418.

APPENDIX "C" TO DECISION NO. 58999

Los Angeles Basin Territory includes the area embraced by the following boundary:

Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

Issued by the California Public Utilities Commission.

Decision No. 58999, Applications Nos. 34799, 35418.

APPENDIX "D" TO DECISION NO. 58999

San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways 101E and 101W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U. S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

Issued by the California Public Utilities Commission.

Decision No. 58999, Applications Nos. 34799, 35418.