

ORIGINALDecision No. 59299

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Alfred F. Antoni d.b.a. ANTONI)
TRUCK LINES for authority to)
extend an operation as a highway)
common carrier.)

Application No. 41172

James E. Busch for applicant.O P I N I O N

Alfred F. Antoni, doing business as Antoni Truck Lines, is a highway common carrier with authority to transport general commodities between the San Francisco Bay area on the one hand and certain points on U. S. Highway 101 north of Healdsburg on the other hand and between said points and certain points in Lake County. Applicant seeks herein authority to extend the territorial area which he may serve as a highway common carrier to include the unincorporated community of Potter Valley located in Mendocino County.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis on September 30, 1959. The matter was submitted subject to the filing of a late-filed exhibit which has been filed.

The record discloses that applicant has 52 pieces of operating equipment. During 1958 applicant's gross revenues amounted to approximately \$375,000 and applicant had an approximate operating ratio of 98 per cent.

The Commission finds that applicant has the ability, including financial ability to conduct the highway common carrier operations for which authority is herein sought.

Potter Valley is located approximately 14 miles from Ukiah and is approximately 7 miles off the route traversed by applicant in serving authorized Lake County points. Applicant proposes to serve Potter Valley at least two days per week. He will increase the service if the shipping needs of the public so require. Applicant plans to have a special run from Ukiah to Potter Valley. On days when traffic is exceptionally light the freight to and from Potter Valley would be handled by one or more of applicant's trucks making the Lake County run.

Evidence adduced at the hearing indicates that most of the freight movements going to or from Potter Valley originate or terminate in the San Francisco Bay area; that there presently is just one carrier, Pacific Motor Trucking Company, giving highway common carrier service to Potter Valley; that because of the procedure used by Pacific Motor Trucking in handling shipments from the San Francisco Bay area to Potter Valley, there is often a 5 to 10 day delay from the time the freight is shipped until it is delivered; and that because of this delay in receiving freight several business establishments in Potter Valley arrange to have freight shipped to applicant's dock in Ukiah.

The record shows that numerous residents of Potter Valley have requested applicant to institute a highway common carrier service to that community.

Based upon the foregoing evidence, the Commission finds that public convenience and necessity require that the application be granted.

In order to avoid confusion among the shipping public and assist the Commission in its regulatory functions, the additional operating authority herein granted will be consolidated with applicant's existing certificate.

Applicant is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Alfred F. Antoni authorizing the transportation of property as a highway common carrier and petroleum irregular route carrier between the points and over the routes as set forth in Appendix "A", attached hereto.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

(a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the

safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

(b) Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

(3) That the certificate of public convenience and necessity granted in paragraph (1) of this order is in lieu of and supersedes all existing certificates of public convenience and necessity heretofore granted to or acquired by Alfred F. Antoni, which certificates are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph (2)(b) hereof.

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

Dated at San Francisco, California, this 24th day of November, 1959.

Ernest Allread
 President

W. H. ...

W. H. ...

E. ...

Theodore ...
 Commissioners

1. Alfred F. Antoni, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of property, except for wood chips and shavings, between the following points:

- a. San Francisco, South San Francisco, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Alameda, Oakland and San Leandro, on the one hand, and, on the other hand, all points north of Healdsburg to and including Laytonville, and including also Talmage and Redwood Valley and between all such points north of Healdsburg.

Subject to the authority of the Commission to change or modify them by further order, applicant shall conduct the above operations over and along U. S. Highway No. 101 between South San Francisco and Laytonville.

- b. San Francisco, South San Francisco, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Alameda, Oakland and San Leandro, on the one hand, and, on the other hand, all points north of Healdsburg to and including Laytonville, and including also Talmage and Redwood Valley, and between all such points north of Healdsburg, and between all of said points and the following points in Lake County: Blue Lake, Upper Lake, Lakeport, Finley, Kelseyville, Lower Lake, Clear Lake Highlands, Clear Lake Oaks, Lucerne, Nice, and all points intermediate thereto.

Subject to the authority of the Commission to change or modify such at any time, applicant shall conduct operations authorized in Paragraph 1 b. above, over and along the following routes:

Over State Highway No. 20 between its junction point south of Calpella and U. S. Highway No. 101 and Upper Lake.

Over State Highway No. 29 between Upper Lake and Kelseyville.

Over State Highway No. 29 and unnumbered County Highway and State Highway No. 53 between Kelseyville and the junction of State Highway No. 53 and State Highway No. 20.

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Over State Highway No. 20 between the junction of State Highway No. 53 and State Highway No. 20 and Upper Lake.

- c. Potter Valley, on the one hand, and all points and places set forth in Paragraphs 1 a. and 1 b. of this appendix, on the other hand.
2. Alfred F. Antoni, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to establish and operate service as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code for the transportation of petroleum and petroleum products in tank trucks and tank trailers except liquefied petroleum gases or other petroleum products requiring pressurized tanks and except liquid asphalt and hot road oils between all points and places in the State of California.

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