

ORIGINAL

Decision No. 59405

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MILTON C. AMUNDSON, doing business as
MILTON'S EXPRESS, for a certificate
of public convenience and necessity,
authorizing extension of his operations
as a highway common carrier for the
transportation of property by motor
vehicles.

Application No. 41176

Donald Murchison for applicant.

O P I N I O N

Applicant Milton C. Amundson, doing business as Milton's Express, now operating as a certificated and permitted carrier under authority of this Commission, requests an enlargement of his highway common carrier certificate. By Decision No. 56405 he is authorized "to transport commodities requiring the use of special refrigeration or temperature control, in specially designed and constructed refrigerated equipment between Los Angeles and Vernon, on the one hand, and San Diego, Riverside and San Bernardino, on the other hand," not including the right to render service to, from or between intermediate points.

By this application, as amended, applicant seeks authority to extend the same type of service to the areas and along routes as follows:

- (1) between all points and places within the Los Angeles Territory as described in Item 270-3-C para. 4 of Minimum Rate Tariff No. 2;

- (2) between Los Angeles Territory, on the one hand, and Santa Barbara and San Diego, on the other hand, via U. S. Highways 101 and 101-A;
- (3) between Los Angeles Territory and Ventura, via U. S. Highways 101, 101-A and 99, and State Highways 118 and 126;
- (4) between Los Angeles Territory and Bakersfield, via U. S. Highway 99;
- (5) between Los Angeles Territory and Lancaster, via U. S. Highway 6;
- (6) between Los Angeles Territory and San Bernardino, Colton, Riverside, via U. S. Highways 66, 60, 70, 99, 101, 91 and State Highway 18;
- (7) serving also all intermediate points along said routes and also off-route points within five miles of said routes.

A public hearing was held in Los Angeles November 3 and 4, 1959 before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced the matter was submitted for decision.

Two letters of protest were received, one of which was withdrawn prior to the hearing. No protestants appeared at the hearing although notices were mailed to protestants and to many other carriers operating in the areas proposed to be served.

The evidence shows and we find the facts to be as hereinafter set forth.

Applicant is an experienced carrier who is now rendering a satisfactory transportation service with refrigerated equipment both as a highway common carrier and permitted carrier. ^{1/} He owns, leases and maintains sufficient equipment to perform the service

1/ Applicant has been issued the following permits:

Radial Highway Common Carrier	Permit No. 19-25788
Highway Contract Carrier	Permit No. 19-31855
City Carrier	Permit No. 19-39901

which he proposes (Exhibits Nos. 4 and 5). His financial condition as of September 30, 1959, shows total assets of \$46,551.06 and total liabilities of \$51,109.61, leaving a capital deficit of \$4,558.55 (Exhibit No. 3). Applicant testified and the record shows that for the first nine months of 1959 applicant's net profits were \$11,392.82 and that the estimated net profit for the year 1959 will approximate \$16,000.00. The deficit figure resulted from a loss, in 1958, of two important contracts which business has since been replaced by new customers.

Eighteen shipper witnesses testified in support of this application. They represented companies engaged in packing, processing, wholesaling and distributing, fresh, frozen and smoked meats, ice cream, vegetables, dairy products, baked goods and other provisions, all of which require transportation under refrigeration and particularly in mechanically refrigerated equipment such as is used by applicant. Many of the witnesses testified that it is difficult to get prompt, adequate and satisfactory transportation of less-truck load-shipments to areas herein proposed to be served and that it would be a convenience, not now available, to have one carrier that could serve all the places as proposed.

The Commission having considered the evidence of record finds that public convenience and necessity require that the transportation service as hereinafter authorized be established. Applicant will be issued a certificate of public convenience and necessity in lieu of his present operating authority.

Milton C. Amundson is hereby placed on 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 modified or canceled 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, the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Milton C. Amundson, authorizing him to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points as more particularly set forth in Appendix A attached hereto and made a part hereof.
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 he will be required, among other things, to file annual reports of his 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 10 days' notice to the Commission and 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 authority herein granted is in lieu of that authorized in Decision No. 56405 which decision is hereby revoked effective concurrently with the effective date of the tariff filing 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 15th day of December, 1959.

Ernest A. Payne
President
John C. Mitchell
William D. Case
E. Lynn Fox
Theodore Jenner
Commissioners

Milton C. Amundson, doing business as Milton's Express, by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport commodities requiring the use of special refrigeration or temperature control, in specially designed and constructed equipment between points and places as follows:

- (1) Between all points and places within Los Angeles Territory as described on Original Page 2 of this Appendix.
- (2) Between Los Angeles Territory, on the one hand, and Santa Barbara and San Diego, on the other hand, via U. S. Highways 101 and 101-A;
- (3) Between Los Angeles Territory and Ventura, via U. S. Highways 101, 101-A, and 99, and State Highways 118 and 126;
- (4) Between Los Angeles Territory and Bakersfield, via U. S. Highway 99;
- (5) Between Los Angeles Territory and Lancaster, via U. S. Highway 6;
- (6) Between Los Angeles Territory, on the one hand, and San Bernardino, Colton, and Riverside, on the other hand, via U. S. Highways 66, 60, 70, 99, 101 and 91 and State Highway 18;
- (7) Serving also all intermediate points along said routes and also off-route points within five miles of said routes.

Issued by California Public Utilities Commission.

Decision No. 59405, Application No. 41176.

LOS ANGELES TERRITORY includes that 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 Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road 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 California Public Utilities Commission.

Decision No. 59405, Application No. 41176.