

ORIGINALDecision No. 59702

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MILO R. BROWN and MAURICE C. BROWN,
 copartners, doing business as TODD
 FREIGHT LINES for a certificate of
 public convenience and necessity to
 operate as a highway common carrier
 for the transportation of property.

Application No. 41496

Francis X. Vieira, for applicants.O P I N I O N

In this application, filed on September 22, 1959, Milo R. Brown and Maurice C. Brown, copartners, doing business as Todd Freight Lines, a highway contract carrier, request authority to operate as a highway common carrier for the transportation of general commodities, with certain exceptions, between the points and over the routes described, as follows:

Between Turlock and Manteca via U.S. Highway 99,
 and all places within a 20-mile lateral.

Between Modesto and Strawberry via State Highways
 108 and 120, and all places within a 5-mile lateral.

Between Modesto and Camp Connell via State Highways
 4, 49 and 120, and all places within a 5-mile lateral.

Between Modesto and Linden, San Andreas, Angels Camp
 and Jamestown, via State Highways 4 and 49, and all
 places within a 5-mile lateral.

A public hearing was held in this matter before Examiner James F. Mastoris on January 20, 1960, in Modesto. There was no protest to this application.

Upon consideration of all the allegations of the application and the evidence adduced at the hearing, the Commission finds and

concludes that public convenience and necessity require the service offered by the applicants. This proposal with its daily overnight service and early morning delivery to points in the so-called "Mother Lode" country of east central California will afford transportation advantages to the shippers in this mountainous region not available at the present time. We find that there is a present and prospective need for the operations requested, including the carriage of refrigerated commodities, and that this carrier possesses the experience and equipment to maintain the service to be authorized. We further find that the applicants possess the financial ability to support the proposed service and the resources to acquire such additional equipment as may be required to conduct such operations.

Applicants are 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

Application having been filed, a public hearing having been held, and based upon the above findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Milo R. Brown and Maurice C. Brown, copartners,

doing business as Todd Freight Lines, authorizing the establishment and operation of service as a highway common carrier as that term is defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof, and subject to the conditions and restrictions of said Appendix A.

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

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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, applicants shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 23rd day of February, 1960.

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

President

Commissioners

A. Milo R. Brown and Maurice C. Brown, doing business as Todd Freight Lines, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities, including commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment, between the points and over the routes hereinafter set forth, provided, however, that applicants shall not transport any shipments of the following:

- a. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- b. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles, (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
- c. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- d. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- e. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- f. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- g. Logs.

Issued by California Public Utilities Commission.

Decision No. 59702, Application No. 41496.

Appendix A

MILO R. BROWN and
MAURICE C. BROWN,
dba
Todd Freight Lines

Original Page 2

B. Milo R. Brown and Maurice C. Brown, doing business as Todd Freight Lines, shall have the authority to transport the commodities set forth in paragraph A of this appendix between the points and over the routes, including unnumbered county roads as well as service to all intermediate points and to lateral boundaries, as specified, as follows:

- Route 1. Between Turlock and Manteca via U.S. Highway 99, and all places within a 20-mile lateral.
- Route 2. Between Modesto and Strawberry via State Highways 108 and 120, and all places within a 5-mile lateral.
- Route 3. Between Modesto and Camp Connell via State Highways 4, 49 and 120, and all places within a 5-mile lateral.
- Route 4. Between Modesto and Linden, San Andreas, Angels Camp and Jamestown, via State Highways 4 and 49, and all places within a 5-mile lateral.

Issued by California Public Utilities Commission.

Decision No. 59762, Application No. 41496.