

Decision No. 59703

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of GRILEY SECURITY FREIGHT LINES,
a corporation, for an in lieu
certificate of public convenience
and necessity as a highway common
carrier of general commodities,
with certain exceptions, between
various points in Southern California
pursuant to Section 1063-1064 of the
California Public Utilities Code.

Application No. 41362
Amended

O P I N I O N

By the above application, as amended, Griley Security Freight Lines, a corporation, seeks authority to enlarge its Los Angeles Basin Territory service area so as to include that portion of Los Angeles County situated, generally, between Sepulveda Boulevard (State Highway No. 7) on the east, and Topanga Canyon Road and the Ventura County boundary line on the west. The principal communities in said area are Chatsworth, Canoga Park, Woodland Hills and Topanga. Applicant's present Los Angeles Basin Territory extends, generally, from Sepulveda Boulevard on the west to the cities of Redlands, Riverside, Corona, Santa Ana and Newport Beach to the east and southeast, the Pacific Ocean on the south and southwest, and the Angeles National Forest on the north (Appendix A of Decision No. 55273).

Applicant's present highway common carrier operating rights are a consolidation of the rights originally granted to applicant in

Decision No. 53469, as amended by Decisions Nos. 54099 and 55273, and the rights originally granted to Fields Freight, Inc., a corporation, in Decision No. 51354, and subsequently transferred to applicant in Decision No. 58434.

In view of the said several decisions and the minor enlargement of service area herein sought, applicant has requested that an in lieu certificate be granted thereby restating its operating authority in one certificate.

The present authority, which is for general commodities with the usual exceptions, authorizes service between all points within the said Los Angeles Basin Territory and also, by consolidation, between said territory and certain points along U.S. Highways 101 and 101A situated in Ventura and Santa Barbara Counties as set forth in Decision No. 51354, the Fields' certificate.

Applicant proposes to continue the same service it is now rendering, publishing the same tariff which will be supplemented to include the new area. No additional equipment will be required. As of May 31, 1959, applicant had a net worth of \$114,057.08 consisting of paid in capital of \$25,000 and earned surplus of \$89,057.08. Its net profit for the first five months of 1959 was \$28,537.88.

The application which was mailed to the principal highway common carriers serving in the same general area as applicant is not opposed.

Applicant alleges that the added area it is seeking to serve by this application has experienced considerable growth in recent years, that said area is an integral part of its present authorized service area, and that it has received many requests from shippers for common carrier service to said area.

The Commission having considered the matter finds that public convenience and necessity require that the application be granted to the extent set forth in the ensuing order. Applicant's operating authority will be restated and all prior certificates will be revoked. A public hearing is not necessary.

As the Fields' certificate did not specifically restrict the transportation of automobiles to Ventura and Santa Barbara county points, applicant has requested that the in lieu certificate include such authority. The predecessors' authority, however, forbade the transportation of "commodities requiring special equipment" and therefore applicant will be authorized to transport automobiles only with conventional equipment.

Griley Security Freight Lines 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, they 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

Application having been made, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Griley Security Freight Lines, a corporation, authorizing it 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 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 the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. That, except as herein authorized, Application No. 41362, as amended, be, and it hereby is, denied.

4. That the highway common carrier authority previously granted by Decisions Nos. 51354, 53469, 54099, 55273 and 58434 is hereby revoked, such revocation to take effect 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 23rd day of February, 1960.

[Signature] President
[Signature]
[Signature]
[Signature] Commissioners

Griley Security Freight Lines, by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities, except:

1. 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. (Provided that this exception to general commodities shall not apply to service between the City of Los Angeles and Goleta and intermediate points on U. S. Highways Nos. 101 and 101 Alternate, and further provided that special equipment shall not be used in the transportation of any of the commodities listed in this paragraph b.)
- 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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
- e. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

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a corporation

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b. The "Los Angeles Basin Territory" hereinabove described, on the one hand, and, on the other hand, points and places along U.S. Highway No. 101 between Goleta and Thousand Oaks, both inclusive, and U.S. Highways Nos. 101 and 101-A between Goleta and Point Mugu, both inclusive, and points laterally within five miles of said portions of said highways.

c. Routes:

Between the "Los Angeles Basin Territory" and Goleta, applicant shall operate over U.S. Highways Nos. 101 and 101-A, utilizing all streets, roads and highways for service to and from off-route points.

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