

Decision No. 59793**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:
 WALTER B. JACOBSEN, an individual doing
 business as JAKE'S TRUCKING COMPANY,
 for an in lieu certificate of public
 convenience and necessity as a highway
 common carrier of general commodities,
 with some exceptions, between various
 points and places in Los Angeles and
 Orange Counties, pursuant to Sections
 1063-1064 of the California Public
 Utilities Code.

Application No. 41585

Arthur Glanz, of Glanz & Russell, for applicant.

O P I N I O N

A public hearing was held in this matter on January 7, 1960, before Examiner Grant E. Syphers at Los Angeles, at which time evidence was adduced and the matter submitted.

The applicant now has authority to transport general commodities, with the usual exceptions, between points and places in the Los Angeles Territory. In the instant application he seeks authority to extend this territory to include all of the Los Angeles city limits and also territory to the east thereof to the Los Angeles County line and certain territory to the southeast in Orange County.

The evidence shows that this applicant received a grant of authority based upon trucking operations as they existed in 1953. Since that time there has been considerable industrial growth

in the areas to which an extension now is requested. The applicant has customers who desire service into this extended area, and likewise they desire split pickups and split deliveries to be made therein.

The shipper witnesses who testified indicated that it would be beneficial to their respective companies to have applicant provide this additional service.

The evidence further discloses that applicant is able to supply the extended service. He has adequate equipment, he has had the necessary experience, and financially his position is sound. There was no opposition to this proposal.

Upon consideration of all of the evidence adduced herein, we find that public convenience and necessity require that the application be granted in the manner set forth in the ensuing order which will provide for an in lieu certificate combining all of applicant's operating authority.

Applicant 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 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 adduced therein and the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Walter B. Jacobsen, an individual doing business as Jake's Trucking Company, 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 and Appendix B 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:

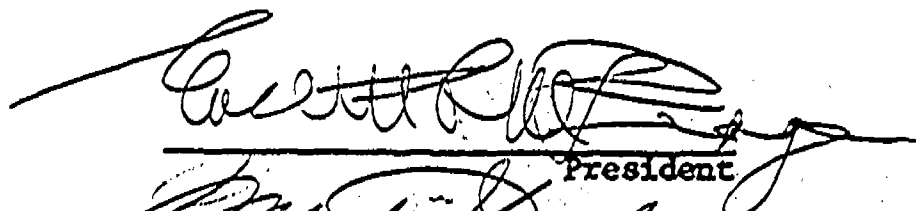
- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual 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 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.

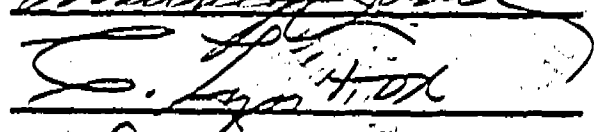
(3) That the operating authority granted by Decision No. 54867 is hereby cancelled, said cancellation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

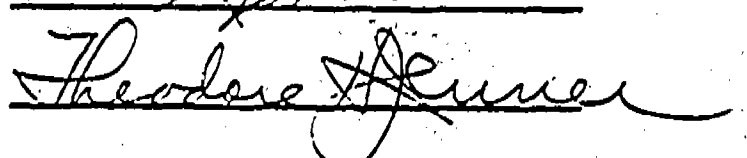
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of March, 1960.



President






Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Walter B. Jacobsen, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points in the Los Angeles Territory as more particularly described in Appendix B attached hereto.

Applicant shall not transport any shipments of:

1. 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.
2. 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, bus chassis.
3. 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.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
5. 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.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Issued by California Public Utilities Commission.

Decision No. 59793, Application No. 41585.

APPENDIX B TO DECISION NO. 59793

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundaries of said City to its point of first intersection with the southerly boundary of Angeles National Forest, thence easterly along the southerly boundary of Angeles National Forest to the point of intersection with the easterly boundary of Los Angeles County, thence southerly along the easterly boundaries of Los Angeles and Orange Counties to the point of intersection with U. S. Highway 91, thence westerly along U. S. Highway 91 to its junction with State Highway 55, thence southerly along State Highway 55 and the prolongation thereof to the Pacific Ocean and westerly and northerly to the point of beginning.