

ORIGINAL

Decision No. 59937

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SAN DIEGO FORWARDING COMPANY, a
corporation, for a certificate of
public convenience and necessity to
operate as a highway common carrier
of general commodities (with named
exceptions):

Application No. 41574

(a) Between the points and places
in the Los Angeles Basin Region as
defined; and

(b) Between points and places in
the Los Angeles Basin Region as
defined, on the one hand, and all
presently authorized points in
San Diego County, pursuant to the
Public Utilities Code, Section 1063,
as an extension of existing service.

Glanz & Russell, by Theodore W. Russell
for applicant.

O P I N I O N

Public hearings were held in this matter on January 19 and 20, 1960 at San Diego, California, before Examiner Grant E. Syphers. On these dates evidence was adduced and on the last named date the matter was submitted subject to the filing of a late-filed exhibit. This now has been filed and the matter is ready for decision.

The applicant now has a certificate of public convenience and necessity issued by this Commission in Decision No. 57079, dated July 29, 1958 in Application No. 39687, authorizing the transportation of general commodities with certain exceptions between the

Los Angeles area, on the one hand, and the San Diego Territory, on the other hand, including certain intermediate points. It now requests authority to extend these rights to include hauling within the so-called Los Angeles Basin Region, between this region and the San Diego area and locally within the San Diego area. It further requests that an existing restriction in its certificate relating to shipments having prior or subsequent movement by air be eliminated.

The evidence discloses that this applicant possesses the necessary equipment, experience and financial ability to provide the proposed service. The evidence also discloses that many shipper witnesses testified in favor of the proposals.

The present restriction against the handling of air freight was put in because a competing truck line was handling the freight of the Slick Airways in the San Diego area; however, this airline no longer serves San Diego and according to this record there is no reason for continuing this restriction.

Therefore, 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 modified or cancelled 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 as above entitled having been filed, public hearings having been held thereon, the Commission being fully advised in the premises and having made the foregoing findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to San Diego Forwarding Company, a corporation, authorizing operations as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points and over the routes 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 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 San Diego Forwarding Company, a corporation, which certificates are hereby cancelled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

(4) That all operating authority possessed by applicant as of the date of this supplemental order is hereby revoked and cancelled insofar as, and to the extent that, such authority duplicates authority granted herein; that insofar as such duplication exists, the

authority granted herein shall be deemed to be continuations of authority previously held.

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

Dated at San Francisco, California, this 12th day of April, 1960.

[Signature]
President
[Signature]
[Signature]
[Signature]
Theodore Jensen
Commissioners

San Diego Forwarding Company, by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport property between:

1. Points and places in the Los Angeles Basin Region as said area is more particularly described in Appendix B hereto attached and made a part hereof.
2. Points and places in the San Diego Territory as said territory is more particularly described in Appendix B hereto attached and made a part hereof.
3. Between said Los Angeles Basin Region and said San Diego Territory serving all points and places between Oceanside and San Diego, both inclusive, which are situated along U. S. Highway No. 101 and State Highway No. 78, and U. S. Highway No. 395, including local service between such points.

The service heretofore authorized is subject to the following conditions and restrictions:

(a) Applicant shall not transport any shipment 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.

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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, truck 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 and semi-trailers 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.
8. Logs.

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Appendix A

San Diego Forwarding Company
(a corporation)

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(b) Routes:

Within the Los Angeles Basin Region and the San Diego Territory applicant may operate along the most appropriate roads, streets or highways.

Between the Los Angeles Basin Region and the San Diego Territory applicant shall operate over and along U. S. Highway No. 101, By-Pass No. 101, Alternate No. 101, U. S. Highway No. 395 and State Highway No. 78 between Oceanside and Escondido.

(End of Appendix A)

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The San Diego Territory is described as follows:

That area embraced by the following imaginary line starting at the northerly junction of U. S. Highway Nos. 101E and 101W (4 miles north of La Jolla) thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon - Ramona Highway; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Lines, west to the Pacific Ocean and North along the coast to point of beginning.

The Los Angeles Basin Territory is described as follows:

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 along the southerly boundary of Angeles and San Bernardino National Forests to the point of intersection of said southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside county line, thence in a southerly and westerly direction along said county boundary to a point thereon distant 5 miles east of the intersection of said county boundary and U. S. Highway No. 91, thence generally southerly and southwesterly along a line generally paralleling and distant 5 miles from U. S. Highway No. 91, State Highway No. 55, U. S. Highway No. 101, Niguel Road, Laguna Canyon Road, and the prolongation thereof to the Pacific Ocean, thence along the coastline of the Pacific Ocean to the point of beginning.

(End of Appendix B)

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