

Decision No. 60062**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of JAMES E. POTTER, an individual)	
doing business as POTTER TRUCKING)	
COMPANY, to sell, and LOM THOMPSON,)	Application No. 41056
an individual doing business as)	
THOMPSON TRUCK LINES, to buy)	
operative rights.)	

SUPPLEMENTAL OPINION AND ORDER

Lom Thompson has filed this supplemental application seeking an in lieu certificate of public convenience and necessity pursuant to the directions of this Commission in Decision No. 58505.

Lom Thompson has held, for several years, highway common carrier operating authority issued by this Commission. He was, in Decision No. 58505, dated May 22, 1959, authorized to acquire the highway common carrier rights previously held by James E. Potter. As indicated, said decision directed Lom Thompson to consolidate all of his operating authority in an in lieu certificate of public convenience and necessity.

The Commission has examined the allegations and evidence contained in the first supplemental application filed by Lom Thompson. The Commission finds that an in lieu certificate of public convenience and necessity should be granted to Lom Thompson. A public hearing is not necessary.

Lom Thompson 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

An application having been filed and based upon the evidence therein contained it is ordered that:

1. A certificate of public convenience and necessity is hereby granted to Lom Thompson authorizing the transportation of property as a highway common carrier, as defined by Section 213 of the Public Utilities Code, between the points and over the routes as set forth in Appendix A and Appendix B attached hereto and made a part hereof.

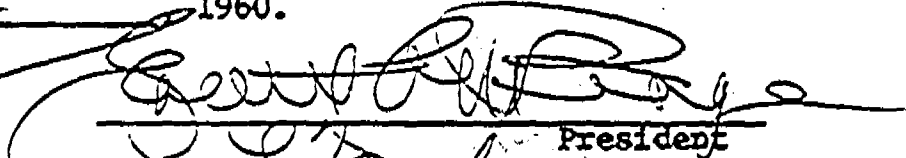
2. In providing service pursuant to the certificate herein granted applicant shall comply with and observe the following service regulations:

- (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 and insurance requirements of the Commission's General Order No. 100-A. 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 Orders Nos. 99 and 100-A, 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) 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, Lom Thompson which certificates are hereby canceled and revoked, said revocation 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.

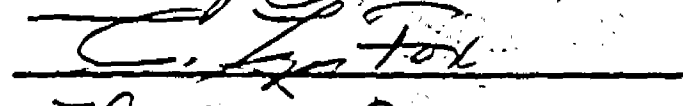
Dated at San Francisco, California, this 9th day of May 1960.

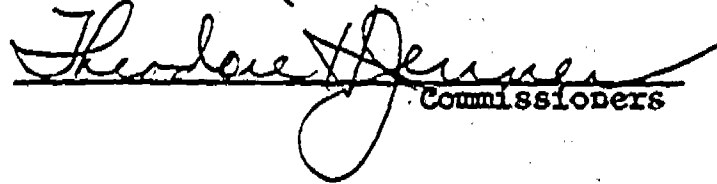


President









Commissioners

Low Thompson, by the certificate of public convenience and necessity granted in the decision noted in the margin is authorized to transport general commodities between the Los Angeles Territory, as described in Appendix B attached hereto, and the cities, towns or communities of Buena Park, Fullerton and Bellflower, on the one hand, and, on the other hand, all points and places on U.S. Highways Nos. 60 and 99 between Beaumont and the Imperial County line and all that portion of Imperial County, California, which lies west of the main All American Canal to Coachella Valley.

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 (c) 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 and 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 refrigerator 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.

Issued by California Public Utilities Commission.

Decision No. 60062, Application No. 41056.

APPENDIX B TO DECISION NO. 60062

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.