

ORIGINAL

Decision No. 60069

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ROBERT K. O'DONNELL, doing business
as BOB'S DELIVERY SERVICE, for an
In Lieu Certificate of Public Con-
venience and Necessity as a highway
common carrier of specified commodi-
ties between points in the Los
Angeles Basin Territory and between
said territory and the San Diego
Territory serving intermediate
points and off-route points.

Application No. 41745

Donald Murchison, for applicant.

O P I N I O N

A public hearing was held in this matter on March 29, 1960, in Los Angeles, California, before Examiner Grant E. Syphers. Evidence was adduced, the matter submitted and it is ready for decision.

This applicant now has authority to transport certain specified commodities between all points and places in a defined territory in the Los Angeles area (Decision No. 56544, dated April 15, 1958, in Application No. 36017).

In the instant application authority is sought to extend the territory under applicant's certificate by enlarging the authorized area in Los Angeles to include all of the Los Angeles

Basin territory, adding a specified San Diego territory, and permitting hauling within these territories and between them via U. S. Highway 101 and all intermediate points. Applicant also desires to use U. S. Highway 395 for traversing purposes only.

The evidence discloses that the applicant is able to supply the extended service. He has adequate equipment, he has the necessary experience, and financially his position appears to be sound. There was no opposition to the proposed extensions.

Various shipper witnesses testified to the effect that they would use the proposed service and that they had a need therefor. They also pointed out that they had used applicant's existing service which they found to be satisfactory.

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 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, 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

A public hearing having been held, and based upon the evidence adduced herein and upon the application and representations filed herein,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Robert K. O'Donnell, authorizing him to operate as a highway common carrier as defined in 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 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) 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 Robert K. O'Donnell, an individual, doing business as Bob's Delivery Service, which certificates are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of 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.

Ernest R. [Signature]
President
[Signature]
[Signature]
[Signature]
Theodore [Signature]
Commissioners

Robert K. O'Donnell, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. ADVERTISING MATTER, as listed under that heading in Items Nos. 2485 through 2690 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
2. CLOTH, DRY GOODS OR FABRICS, as listed under that heading in Items Nos. 27730 through 28395 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
3. CURTAIN POLES OR RODS, as listed under that heading in Items Nos. 31670 through 31695 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
4. FLOOR COVERINGS OR RELATED ARTICLES, as listed under that heading in Items Nos. 38830 through 39061 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
5. SHADES, WITH OR WITHOUT FIXTURES, as listed under that heading in Items Nos. 85410 through 85500 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
6. TILE OR TILING, FACING OR FLOORING, OR FACING COVE OR MOLDING, as listed under that heading in Items Nos. 89470 through 89630 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
7. MISCELLANEOUS COMMODITIES, VIZ.:
 - Cement, linoleum
 - Compounds, buffing or polishing
 - Compounds, calking
 - Compounds, cleaning, washing or scouring

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7. MISCELLANEOUS COMMODITIES, VIZ.: (continued)

Glue
Laminated plastics
Lath, wooden
Moldings, aluminum, iron or steel
Screens, window
Soap

BETWEEN:

- (1) All points and places within the Los Angeles Basin Territory as described in Appendix B attached hereto;
- (2) All points and places within the San Diego Territory as described in Appendix B attached hereto;
- (3) All points and places intermediate between the Los Angeles Basin Territory and the San Diego Territory on U. S. Highway 101 including all points laterally within 5 air miles of U. S. Highway 101 and the off-route point of Camp Pendleton;
- (4) All points and places described in paragraph (1), on the one hand, and all points and places described in paragraphs (2) and (3), on the other hand;
- (5) All points and places in paragraph (2), on the one hand, and all points and places described in paragraph (3), on the other hand.

Service to, from or between points located laterally from the above highways may be performed via any or all available roads, highways or streets. Service between points within the Los Angeles Basin Territory and San Diego Territory may be performed via any and all available streets and highways. Service between points in the Los Angeles Basin Territory, on the one hand, and San Diego Territory, on the other hand, may be performed via U. S. Highway 395 as an alternate route for traversing purposes only and without service to any points located on and along said highway.

End of Appendix A

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1. LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of

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1. LOS ANGELES BASIN TERRITORY (continued)

of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

2. SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways 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 southerly to Bostonia on U. S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

End of Appendix B

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