

ORIGINAL

Decision No. 60123

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BERNARD WITT, doing business as
ROYAL TRANSPORTATION CO., for a
Certificate of Public Convenience
and Necessity to operate as a high-
way common carrier for the transpor-
tation of property.

Application No. 41888

Donald Murchison, for applicant.

O P I N I O N

By the application herein, filed with the Commission on January 29, 1960, Bernard Witt, doing business as Royal Transportation Co., requests a certificate of public convenience and necessity as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of limited commodities between all points and places in the Los Angeles Basin Territory, as particularly described in Item No. 270a of the California Public Utilities Commission Minimum Rate Tariff No. 2.

A public hearing on the application was held before Examiner Kent C. Rogers in Los Angeles on April 11, 1960.

Prior to the filing of the application applicant served copies thereof on highway common carriers listed in Exhibit E on the application. Prior to the hearing herein the Commission served said carriers with notice of the hearing. There was no appearance at the hearing other than by the applicant.

The applicant requests authority to transport 48 listed items between all points and places in the said Los Angeles Basin Territory.

As justification for the service applicant alleges that during the past few years there has been a substantial increase in population and industry in the Los Angeles territory; that during the several months preceding the hearing there has been an increasing demand made upon applicant for the service herein proposed; that there is a lack of adequate common carrier transportation service of the type proposed by the applicant; and that the applicant is capable of affording an efficient highway common carrier service.

The applicant is now operating pursuant to radial highway common carrier, highway contract carrier and city carrier permits issued by this Commission. He is rendering and proposes a same-day service for shipments picked up as late as 3 or 3:30 p.m. originating at and destined to points west of the line in the proposed service area between March Air Force Base and Laguna Beach, and the same-day service for shipments picked up prior to noon originating at points west of said line and destined to points east of said line.

Applicant has a 2-1/2-acre plot of ground at 715 South Maple, Montebello, California. Thereon he maintains an office but no dock. His method of operation is and will be to pick up less than truck-load shipments from outlying districts, carry them to the loading area and transfer the merchandise directly to the

truck which carries it to the destination. Truck-load shipments are and will be carried directly from point of origin to point of destination.

Service is and will be rendered five days a week, with emergency shipments being carried on Saturday. The rates for the service will be the minimum rates established by Minimum Rate Tariff No. 2.

Applicant has 19 employees including four heavy-duty drivers, one short-line driver, and 12 bobtail drivers. He has seven stake trailers, 16 van and stake trucks, and four tractors. For the year ending December 31, 1959, he made a net profit of \$31,455 from the operation before income taxes. His current assets include \$15,545 in cash.

Upon the record herein it is our opinion and we find that public convenience and necessity require that applicant be granted a certificate of public convenience and necessity as requested, and that he has the necessary assets and experience to perform the proposed service.

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 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, the Commission having found that public convenience and necessity so require and based on said finding,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be, and it hereby is, granted to Bernard Witt, doing business as Royal Transportation Co., authorizing him to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of the items of property and between the points within the area both particularly set forth in Appendices A and 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 hereby 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 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.

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

Dated at Los Angeles, California,
this 17th day of May, 1960.

[Handwritten Signature]

President

[Handwritten Signature]

[Handwritten Signature]

Commissioners

Matthew J. Dooley
Commissioner ~~S. Theodore H. Jenner~~ being
necessarily absent, did not participate
in the disposition of this proceeding.

Appendix A BERNARD WITT,
doing business as
Royal Transportation Co. Original Page 1

By the certificate of public convenience and necessity granted in the decision noted in the margin Bernard Witt, doing business as Royal Transportation Co., is authorized to transport the following commodities between points in the Los Angeles Basin Territory, as more particularly described in Appendix B attached hereto.

1. ACIDS, as listed under that heading in Items Nos. 2085 through 2470 of Western Classification No. 77, J. P. Hackler, Alternate Agent, on the issue date thereof. (NOTE: hereafter, all following commodities listed will be as set forth in Western Classification No. 77, J. P. Hackler, Alternate Agent, on the issue date thereof.)
2. DISPLAYS, ADVERTISING, STORE OR WINDOW, as listed under that heading in Item No. 2610.
3. ASPHALT (ASPHALTUM) NATURAL, as listed under that heading in Item No. 6790.
4. BLACKS (CARBON GAS OR OIL BLACKS), as listed under that heading in Item No. 11160.
5. BLACKS, DRY MINERAL EARTH OR PEAT CHAR, as listed under that heading in Item No. 11180.
6. LAMP BLACK, as listed under that heading in Item No. 11230.
7. COUNTERS, HEELS, SOLES OR TAPS, as listed under that heading in Item No. 13520.
8. CONCRETE OR MASONRY PLASTICIZER & WATER REDUCING COMPOUND, as listed in Item No. 16080.
9. CELLULOSE FILM, as listed under that heading in Item No. 21490.
10. CEMENT, CARPET, LINOLEUM, WALLBOARD, ETC., as listed under that heading in Item No. 21540.

Issued by California Public Utilities Commission

Decision No. 60123, Application No. 41888

11. CEMENT LIQUID, as listed under that heading in Item No. 21580.
12. CEMENT O/T LIQUID, as listed under that heading in Item No. 21590.
13. CEMENT, RUBBER, as listed under that heading in Item No. 21620.
14. CEMENT COMPOUND BLDG. OR FLOOR DRY, as listed under that heading in Item No. 21690.
15. CHEMICALS, as listed under that heading in Items Nos. 21980 through 26640.
16. CLAY CRUSHED GROUND OR PULVERIZED, as listed under that heading in Item No. 27210.
17. ZIRCON ORE, as listed under that heading in Item No. 27550.
18. CLEANING, SCOURING OR WASHING COMPOUND, GRAN. OR POWDER, as listed under that heading in Item No. 27570.
19. CLEANING, SCOURING OR WASHING COMPOUND, as listed under that heading in Item No. 27580.
20. CLEANING OR WASHING COMPOUND, as listed under that heading in Item No. 27590.
21. COMPOUND VEHICLE BODY SEALER OR SOUND DEADENER, as listed under that heading in Item No. 28970.
22. CONTAINERS, as listed under that heading in Items Nos. 30536 through 30540.
23. FRIT, GLAZING COMPOUND, as listed under that heading in Item No. 41540.
24. ANHYDROUS AMMONIA, as listed under that heading in Item No. 45400.

Issued by California Public Utilities Commission

Decision No. 60123, Application No. 41883

BERNARD WITT,
doing business as
Royal Transportation Co.

Appendix A

Original Page 3

25. BORON TRIFLUORIDE, as listed under that heading in Item No. 45480.
26. DICHLORODIFLUOROMETHANE, AND DERIVATIVES, as listed under that heading in Item No. 45520.
27. DIFLUOROETHANE AND DERIVATIVES, as listed under that heading in Item No. 45530 and 45540.
28. GASES COMPRESSED, as listed under that heading in Item No. 45580.
29. GLUE, as listed under that heading in Items Nos. 46760 through 46790.
30. SOAPSTONE OR TALC CRUDE GROUND OR DUST, as listed under that heading in Item No. 47580.
31. HOSE INCLUDING FLEXIBLE, as listed under that heading in Item No. 52350.
32. INK, PRINTING, as listed under that heading in Item No. 52900.
33. IRON OR STEEL CASTINGS OR FORGINGS, as listed in that heading in Item No. 53970.
34. IRON BORINGS GROUND NOT POWDERED, as listed in that heading in Item No. 55350.
35. LECITHIN OIL, as listed in that heading in Items Nos. 56650 and 56660.
36. MICA, as listed in that heading in Item No. 68970.
37. LINSEED OIL, as listed in that heading in Item No. 72455.
38. PINE OIL, as listed in that heading in Item No. 72550.
39. SAFFLOWER SEED OIL, as listed in that heading in Item No. 72615.
40. TALL OIL, as listed in that heading in Item No. 72630.

Issued by California Public Utilities Commission

60123

Decision No. _____, Application No. 41888

BERNARD WITT,
doing business as
Royal Transportation Co.

Original Page 4

Appendix A

41. PAINTS, PAINT MATERIAL OR PUTTY, as listed in that heading in Items Nos. 74750 through 75200.
42. PLASTICS, SYNTHETIC, as listed in that heading in Item No. 77800.
43. ROSIN, as listed in that heading in Item No. 84025.
44. RUBBER, as listed in that heading in Item No. 84270.
45. SILICA, as listed in that heading in Item No. 86680.
46. SIZING, as listed in that heading in Item No. 86780.
47. TITANIUM DIOXIDE, as listed in that heading in Item No. 89785.
48. WOOL, STEEL, as listed in that heading in Item No. 98090.

Issued by California Public Utilities Commission

Decision No. 60123, Application No. 41888

APPENDIX B TO DECISION NO. 60122

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; southwestwardly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestwardly 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; southwestwardly 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 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.