

ORIGINAL

Decision No. 60256

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAN FRANCISCO WAREHOUSE CO., a
 corporation, for a certificate of
 public convenience and necessity as
 a highway common carrier between its
 warehouses in San Francisco, on the
 one hand, and San Jose, California,
 and intermediate points, on the
 other.

Application No. 41656
(Amended)

O P I N I O N

The applicant is a public warehouseman and drayman in the San Francisco area. It was granted authority to transport general commodities in the San Francisco - East Bay Cartage Zone on December 28, 1954 by Decision No. 50906 in Application No. 35002. It now desires an extension of its service area to include peninsula points between Belmont and San Jose, inclusive. Such new authority would be restricted to shipments originating at or destined to a public warehouse operated by applicant in the San Francisco area.

Applicant served the application on forty-eight carriers and the Secretary of the Commission supplied a copy of the application to a forty-ninth. None has protested and it appears that a hearing is not necessary.

The Commission finds that public convenience and necessity require that the sought authority be granted.

Applicant has the necessary experience, facilities, equipment, personnel and financial ability to render the proposed service.

Applicant is 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

The above-entitled application having been considered and the Commission being of the opinion that a public hearing is not necessary; therefore,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to San Francisco Warehouse Co., a corporation, authorizing it 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 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 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 to 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 San Francisco, California, this 14th day of June, 1960.

[Signature]
President
[Signature]
[Signature]
[Signature]
Theodore J. Jenner
Commissioners

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Appendix A

SAN FRANCISCO WAREHOUSE CO.
(a corporation)

San Francisco Warehouse Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities:

Between San Francisco, San Jose and all
intermediate points on U.S. Highways Nos.
101 and 101 By-Pass.

The authority herein granted is restricted to the transportation of shipments originating at or destined to a public warehouse or warehouses operated by applicant in the City and County of San Francisco.

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. 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.
3. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
4. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Issued by California Public Utilities Commission.

Decision No. 60256, Application No. 41656.