

**ORIGINAL**Decision No. 60337

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 ROBERT F. HARDING, an individual,  
 doing business as HARDING'S FREIGHT  
 SERVICE, for an in-lieu certificate  
 of public convenience and necessity  
 as a highway common carrier of  
 general commodities between various  
 points and places in San Diego County,  
 pursuant to Sections 1063-1064 of  
 the California Public Utilities Code.

Application No. 41421

Glanz, Russell and Schureman, by R. Y. Schureman,  
 for applicant.

O P I N I O N

Applicant holds a certificate of public convenience and necessity to transport a number of limited commodities between points in southern San Diego County. These are bounded generally by San Diego, Oceanside, Fallbrook, Rincon and Escondido.

By the instant application filed on August 24, 1959, applicant seeks an enlargement of territory to serve the portion of San Diego County west of State Highways 79 and 67, that is, the coastal and industrial part of the County. He also wishes to transport general commodities with the usual exceptions.

A public hearing was held before Examiner John Power at San Diego on April 12, 1960 and the matter was submitted. No protestants appeared. Applicant testified on operating matters and presented public witnesses.

The picture presented by the evidence is one of an expedited delivery service within a single metropolitan area. Same-day and overnight delivery are provided with the emphasis on the

former. The public witnesses had found the service to be quick and reliable. They believed that its expansion would benefit them and the customers they serve. All supported the application.

The Commission finds that public convenience and necessity require that the application, as amended at the hearing, be granted. Applicant's experience, equipment, facilities, personnel and finances are adequate for the purposes of the application.

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

Public hearing having been held and based upon the evidence adduced therein and the application,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Robert F. Harding, authorizing him 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 and over the routes 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 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 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 highway common carrier operating authority and certificates of public convenience and necessity heretofore granted to or acquired by Robert F. Harding, which operating authority and 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 28<sup>th</sup> day of June, 1960.

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President

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Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

Robert F. Harding, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

GENERAL COMMODITIES except the following:

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. 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 refrigerated equipment.
5. 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.
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.
9. Explosives and other dangerous articles as described in and subject to the regulations of Agent E. A. Campbell's Tariff No. 10.
10. Newspapers.

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BETWEEN all points and places within the following described area:

BEGINNING at a point where the boundary line between San Diego and Orange Counties intersects the shore line of the Pacific Ocean; thence easterly along said county boundary line to its intersection with State Highway No. 79; thence southerly along said Highway No. 79 to its intersection with State Highway No. 78 at or near Santa Ysabel; thence westerly along said Highway No. 78 to its intersection with State Highway No. 67 at or near Ramona; thence southerly or southwesterly along said Highway No. 67 to its intersection with U.S. Highway No. 80 at or near El Cajon; thence along an imaginary line due south to the international boundary line between the United States and Mexico; thence westerly along said international boundary line to the shore line of the Pacific Ocean; thence northerly along said shore line to the point of beginning.

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