

Decision No. 60355**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 FILM TRANSPORT CO. OF CAL., INC., a  
 California corporation, for a certifi-  
 cate of public convenience and necessity  
 pursuant to Sections 1063-1064 of the  
 California Public Utilities Code,  
 authorizing extension of presently  
 authorized service as a highway common  
 carrier of commodities generally:

(A) Between certain points in Los  
 Angeles County, and all presently  
 authorized and proposed Service  
 Territories;

(B) For the extension of authorized  
 Service Territories to include therein  
 certain points and places in Orange,  
 Riverside and San Bernardino Counties  
 on and within three miles, laterally,  
 of State Highways 22, 39 and 18, and  
 U.S. Highways 66, 99, 60 and 395, and  
 the County Highway between Garnet and  
 Desert Hot Springs;

(C) For authority to traverse U.S.  
 Highway 99 and State Highway 111 between  
 presently authorized Service Territories  
 serving no intermediate points; and

(D) For modification of certain restric-  
 tions with respect to through routes.

Application No. 42030

Theodore W. Russell, for applicant.  
Mrs. Alfred W. Bellows for Alfred W. Bellows,  
 dba B & W Film Delivery, interested party.

O P I N I O N

Film Transport Co. of Cal., Inc., a California corporation,  
 operates as a highway common carrier from the Los Angeles area to  
 San Diego, El Centro, Indio, Elsinor and Hemet, transporting motion  
 picture film and related freight and also general commodities with  
 named exceptions, pursuant to Decision No. 54042 in Application  
 No. 35925 as modified by Decision No. 54294 and transferred to

applicant by Decision No. 58190 in Application No. 40886. By this application, filed March 14, 1960, applicant seeks to extend its operative rights to include the San Bernardino-Riverside area, an area including Huntington Beach, Buena Park and Garden Grove and also Desert Hot Springs. Service between San Diego and desert points is also to be increased.

Public hearing was held in Los Angeles before Examiner Rowe on May 24, 1960, at which time evidence, both oral and documentary, was adduced and the matter duly submitted for decision. The appearance for Alfred W. Bellows resulted in a stipulation to exclude the San Bernardino-Riverside area so far as the transportation of film and related freight is concerned.

From the evidence of record, the Commission finds that public convenience and necessity require that applicant be granted operative rights as described in the following order. This will be accomplished by the issuance of a certificate of public convenience and necessity describing all of such expanded rights and the cancellation of its existing rights.

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

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

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Film Transport Co. of Cal., Inc., 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 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 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.

3. That the operating authority granted by Decision No. 54042 and modified by Decision No. 54294, both in Application No. 35925, and acquired by applicant pursuant to Decision No. 58190 dated March 31, 1959, in Application No. 40886 is hereby canceled, said cancellation to become effective concurrently with the tariff filings required by paragraph 2(b) hereof.

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

after the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day  
of July, 1960.

George W. Long  
 President  
 John E. B. B. B.  
 Marshall B. B.  
 E. B. B. B.  
 Theodore B. B.  
 Commissioners

Film Transport Co. of Cal., Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities:

- (a) Between all points and places in the Los Angeles Service Territory, on the one hand, as defined in Appendix B hereof, and all points and places in the following Service Territories, on the other hand, and between such Service Territories:

El Toro Service Territory: All points and places within three miles on either side of Whittier Boulevard, Fullerton Road, Spadra Road, and Los Angeles Street in and between Whittier and Anaheim; all points within three miles on either side of U.S. Highway 101 in and between the Los Angeles-Orange County Line and the point of first junction of U.S. Highways 101 and 101-A south of El Toro; and all points within three miles on either side of State Highway 22 in and between Santa Ana and the Los Angeles-Orange County line.

San Ysidro Service Territory: All points within three miles on either side of U.S. Highway 101-A and U.S. Highway 101 between the junction of U.S. Highway 101-A and the Los Angeles-Orange County Line and the southerly terminus of U.S. Highway 101 at the International Boundary between Mexico and California (at San Ysidro, California); and all points within three miles on either side of State Highway 39 in and between Buena Park and Huntington Beach.

March Field Service Territory: All points within three miles on either side of California Highway 18 in and between Anaheim and Riverside; all points within three miles on either side of State Highway 71 in and between Corona and Elsinore; all points within three miles on either side of State Highway 74 in and between Elsinore

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and Hemet; all points within three miles on either side of State Highway 79 and unnumbered County Highways via San Jacinto and Moreno in and between Hemet and junction of unnumbered County Highway and U.S. Highway 395 near March Field; and all points within three miles on either side of U.S. Highway 395 in and between Riverside and Perris.

San Bernardino-Riverside Service Territory: All points within three miles on either side of U.S. Highway 66 in and between San Bernardino and the Los Angeles-San Bernardino County Line; all points within three miles on either side of U.S. Highway 99 in and between Beaumont and the Los Angeles-San Bernardino County Line; and all points within three miles on either side of Orange Street and Highland Avenue in and between San Bernardino and Redlands.

Oceanside Service Territory: All points within three miles on either side of U.S. Highway 80 in and between San Diego and El Cajon; all points within three miles on either side of unnumbered County Highways connecting El Cajon and Ramona, including the portions of said highways in said El Cajon and Ramona; all points within three miles on either side of California State Highway 78 in and between Ramona and Escondido; all points within three miles on either side of U.S. Highway 395 in and between Escondido and Vista; and all points within three miles on either side of California State Highway 78 and U.S. Highway 101 in and between Vista and Oceanside.

Brawley Service Territory: All of the City of San Diego and all points within three miles on either side of U.S. Highway 80 in and between San Diego and El Centro; all points within three miles on either side of U.S. Highway 99 in and between El Centro and Calexico; all points within three miles on either side of the unnumbered County Highways connecting Calexico, Westmorland, and Holtville, including the portions of said highways

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in said Calexico, Westmorland, and Holtville; and within three miles of U.S. Highway 99 in and between Westmorland, Brawley and El Centro.

Indio Service Territory: All points within three miles on either side of U.S. Highway 60 between the Los Angeles-Orange County Line and Indio, including Indio; all points within three miles on either side of California State Highway 111 in and between Whitewater and Indio; and all points within three miles on either side of unnumbered County Highway in and between Garnet and Desert Hot Springs.

- (b) San Diego Brawley Service: Between San Diego and points and places in the Brawley Service Territory above described.

The authorities hereinbefore set forth do not include the right to render service between two points both of which lie exclusively within any one Service Territory; provided, however, that the restriction contained in this paragraph shall not apply to transportation of motion picture film and film accessories, including only projecting machinery and parts therefor, advertising matter, electrical lighting effects, bulbs, advertising slides and tickets, between motion picture theatres in the said Service Territories above named or the transportation of candy, popcorn, popcorn bags, seasonings, syrups and confections between motion picture theatres in said Service Territories, and between storage and warehouse facilities maintained in said Service Territories and theatres in said Territories.

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The authorities hereinabove set forth authorize service at all points in any incorporated city, any part of which lies within the limits of any of the Service Territories above described.

Applicant may conduct operations over and along:

- (a) Any and all public highways within the Los Angeles Service Territory as defined in Appendix B.
- (b) All of the specifically named U.S. Highways, California State Highways, and unnumbered County Highways contained in the description of the El Toro Service Territory, San Ysidro Service Territory, March Field Service Territory, San Bernardino-Riverside Service Territory, Oceanside Service Territory, Brawley Service Territory, Indio Service Territory and in connection with the San Diego-Brawley Service Territory as hereinabove more specifically set forth, and such other State, U.S. and County Highways as may be required to reach authorized points as described in said Service Territories.
- (c) Applicant is authorized to traverse U.S. Highway 99 between Indio and Westmorland and to traverse California State Highway 11 between Indio and Calipatria for operating convenience only, serving no intermediate points along either of said routes intermediate between the Indio Service Territory and the Brawley Service Territory as hereinabove described.

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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. 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 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.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Motion picture film, advertising matter, accessories and supplies between points and places in the Los Angeles Service Territory, on the one hand, and points and places in the San Bernardino Service Territory, on the other hand.

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APPENDIX B TO DECISION NO. 60355

LOS ANGELES SERVICE TERRITORY: The Los Angeles Service Territory is hereby defined to mean all points and places within the following described boundary:

Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean; thence northerly and easterly along the westerly and northerly boundary of the City of Los Angeles to its point of first junction with the southerly boundary of the Angeles National Forest; thence generally easterly along the southerly boundary of the Angeles National Forest to its junction with the Los Angeles-San Bernardino County Line; thence southerly along the easterly boundary of Los Angeles County to its junction with the Pacific Ocean near Seal Beach, California; thence westerly and northerly along the coastline of the Pacific Ocean to the point of beginning.