

Decision No. SC377**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 NIELSEN FREIGHT LINES, a corporation,
 for extension of its highway common
 carrier authority.

Application No. 41912

Handler and Baker, by Marvin Handler, for
 applicant.

O P I N I O N

Nielsen Freight Lines, a corporation, is operating under permitted authority as a radial highway common carrier, a highway contract carrier and a city carrier. The applicant also operates as a highway common carrier under a certificate of public convenience and necessity granted by Decision No. 59472, dated January 5, 1960, in Application No. 41300. This certificate authorizes the transportation of general commodities generally between points in the greater San Francisco Bay Area, including Willits, Sonoma, Vallejo, Calistoga, and intermediate points, and points within the San Francisco East Bay Cartage Zone.

Applicant now requests a certificate of public convenience and necessity pursuant to Section 1063 of the Public Utilities Code, as an extension of its existing certificate, to authorize the transportation of general commodities over, to, and between all points and routes specified in Appendix A hereto which by this reference is made a part hereof.

A public hearing was held before Examiner Edward G. Fraser on June 1, 1960, at San Francisco. No one appeared in protest to the authority requested.

The evidence shows considerable industrial growth in the areas to which an extension now is requested. The applicant has customers who desire service into this extended area, and likewise they desire split pickups and split deliveries to be made therein.

Five shipper witnesses testified they prefer the service offered by the applicant and that it would be beneficial to their respective companies to have applicant provide service to the additional areas applicant has requested authorization to serve.

The evidence further discloses that applicant is able to supply the extended service, has adequate equipment, has the necessary experience, and is financially sound.

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 extension of the certificated zone presently served by the applicant.

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.

ORDER

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 Nielsen Freight Lines, 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 5th day of July, 1960.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Nielsen Freight Lines, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points on and within five miles of the following routes:

Between San Mateo and San Jose and intermediate points on U.S. Highways 101 and 101 By-Pass; between Hayward and San Jose and intermediate points on State Highways 9 and 17; and between all points laterally within five miles of said highways, via said highways and all connecting routes.

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. Logs.

Issued by California Public Utilities Commission.

Decision No. 60377, Application No. 41912.