

ORIGINAL

Decision No. 60397

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MOSER TRUCKING, INC., a corporation,
for an in lieu certificate of public
convenience and necessity as a highway
common carrier of general commodities
between various points and places in
the Counties of Los Angeles, San Ber-
nardino, Riverside and Orange.

Application No. 41556

Donald Murchison, for applicant.
Robert W. Walker and Matthew H. Witteman, by
Matthew H. Witteman, for The Atchison, Topeka
& Santa Fe Railway Company and Santa Fe Transporta-
tion Company, protestant.

O P I N I O N

Public hearings were held in this matter on March 3 and April 18, 1960, before Examiner Grant E. Syphers, in Los Angeles. On the last-named date the matter was submitted and it now is ready for decision.

Moser Trucking, Inc., is presently authorized to transport certain specified commodities in a territory which includes the City of Los Angeles and certain adjacent areas. In the instant application it does not seek to expand this territory but does request authority to transport therein general commodities with certain exceptions.

Various public witnesses testified that the proposed service would meet a need in their businesses.

The record discloses that applicant is willing and able to provide this service and possesses the experience, equipment,

personnel and financial resources to institute and maintain such an operation.

While there was one protestant of record, no testimony was presented by that party.

Upon consideration of all of the evidence adduced herein, the Commission finds that public convenience and necessity require that the application be granted to the extent set forth in the ensuing order. The ensuing order will provide for an in lieu certificate which will combine all of applicant's operating authority herein.

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

Application as above entitled having been filed, public hearings having been held thereon, and the Commission having made the foregoing findings, and good cause appearing,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it hereby is granted to Moser Trucking, Inc., a corporation, authorizing it to operate as a highway common carrier as defined in 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 the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective, tariffs satisfactory to the Commission.

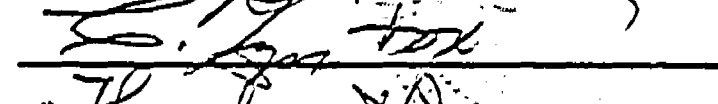
3. That the operating authority granted by Decision No. 56996, dated July 15, 1958, in Application No. 35984, is hereby canceled, said cancellation to become effective concurrently with the effective date of the tariff filings required by paragraph 2-b hereof.

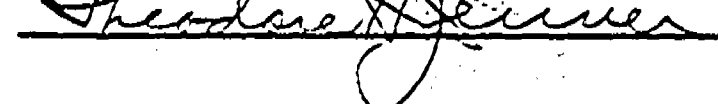
The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 12th day of July, 1960.



 President






 Commissioners

Moser Trucking, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities in the following described territory:

The area embraced by the following boundary:

Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate, in the County of Los Angeles; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway 118 until it intersects U. S. Highway No. 66; easterly along U. S. Highway No. 66 until it intersects with State Highway No. 71; south along State Highway No. 71 until it intersects State Highway No. 18; westerly along State Highway No. 18 until it intersects State Highway No. 55; southerly along said State Highway No. 55 and an imaginary southerly extension thereof until said extension intersects with the Pacific Ocean; thence along the coastline to the point of beginning.

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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 refrigerator 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. Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J.P. Hackler, Tariff Publishing Officer, on the issue date thereof.
10. Commodities likely to contaminate or damage other freight.
11. Explosives as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10.

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