

ORIGINAL

Decision No. 60546

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
W. HAROLD FINLEY, an individual,)	
doing business as W. Harold Finley,)	
for authority to extend his certificate)	
of public convenience and necessity)	Application No. 42103
to operate as a highway common carrier)	
throughout the Los Angeles Basin Terri-)	
tory, under the provisions of Sections)	
1063-1064 of the California Public)	
Utilities Code.)	

Glanz, Russell and Schureman, by Arthur H. Glanz, for applicant.

O P I N I O N

W. Harold Finley, an individual, is operating under permitted authority as a radial highway common carrier, a highway contract carrier, a household goods 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. 54046, dated November 5, 1956, as supplemented by Decision No. 54486, dated February 5, 1957, in Application No. 35948.

Applicant now requests an in lieu certificate of public convenience and necessity pursuant to Section 1063 of the Public Utilities Code, for the transportation of general commodities between all points and places in the Los Angeles Basin Territory, as particularly described in Item 270(a) of the California Public Utilities Commission Minimum Rate Tariff No. 2. The applicant has hauled fruits, fresh and green (not cold pack or frozen) to various points in the greater Los Angeles area, under his certificate and requests that this area and commodity be included in the new certificate.

A public hearing was held before Examiner Edward G. Fraser on June 8, 1960, at Los Angeles. No one appeared in protest to the authority requested.

As justification for the service, the Executive Secretary of the Santa Ana Chamber of Commerce and the assistant to the city manager of Santa Ana testified to the enormous growth of population in Orange county since 1945. This growth has converted the county from a farming district to an industrial and urban area in which over three quarters of a million people now reside. Many established Los Angeles business organizations have opened branches in Orange county and many new industries plan to move there.

The applicant testified that he was born in Orange county and has lived there all his life. He has been in the trucking business since 1921. He explained how industrial growth in Orange county has affected the local trucking industry, especially since 1945, when the hauling rapidly changed from farm products to general commodities.

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.

Seven 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 and for an in lieu certificate.

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 W. Harold Finley, authorizing him to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of the items of property between the points as more particularly set forth in Appendices A and 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 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 operating authority granted by Decision No. 54046, dated November 5, 1956, as supplemented by Decision No. 54486, dated February 5, 1957, in Application No. 35948, 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 twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of August, 1960.

[Signature]
President

[Signature]
[Signature]

[Signature]

Commissioners

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

W. Harold Finley, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. General commodities between all points and places in the Los Angeles Basin Territory as described in Appendix B attached hereto.
2. Fruits, fresh or green (not cold pack or frozen)
Between:
Santa Paula, Fillmore, Santa Susanna, Placentia, Piru, Camarillo, Ojai, Ventura, Montalvo, Oxnard and Point Mugu, on the one hand, and Santa Ana and Ontario, on the other hand.
3. Fruits, fresh or green (not cold pack or frozen)
Between:
Escondido, El Cajon, on the one hand, and Ontario, on the other hand.

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 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.

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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.

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LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.