

ORIGINAL

Decision No. GC602

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of WALTER F. PETERS and MYRON D.
PETERS, Partners, doing business
as PETERS TRUCK LINES for a
certificate of public convenience and
necessity to operate as a highway
common carrier.

Application No. 42165

Marvin Colangelo for applicants.

Mark A. Bozaich for Sacramento Auto
Truck Co., protestant.

O P I N I O N

By this application filed April 20, 1960, and amended June 8, 1960, Walter F. Peters and Myron D. Peters, as partners, request an extension of their operative rights to permit service to points intermediate to Red Bluff and Sacramento along U. S. Highway 99-E and W and to also serve along U. S. Highway 99 between Sacramento and Modesto and along other routes between such points and San Francisco and Peninsula points.

Public hearing was held in Sacramento on June 22, 1960, before Examiner Rowe. Upon the applicants stipulation to withdraw their request to serve between Sacramento and such points as Davis, Woodland and Winters, protestant Sacramento Auto Truck Co. withdrew its protest. Evidence was thereupon adduced by applicants and the matter duly submitted for decision.

The evidence shows that there has been considerable recent growth in the areas affected by the requested extensions. Applicants are further shown to have customers who need the service into the extended areas, and they desire split pickups and split deliveries to be made into many different areas.

Upon careful consideration of this evidence and of applicants' financial worth and experience the Commission finds that the application should be granted in the manner set forth in the ensuing order which will provide a new certificate of public convenience and necessity combining all of applicants' operating authority.

Applicants are 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 Walter F. Peters and Myron D. Peters authorizing them 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.

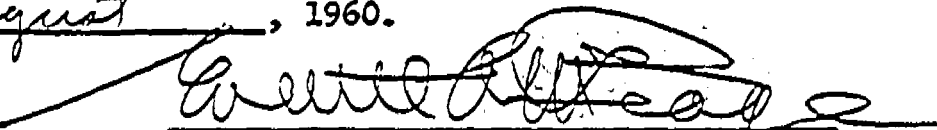
2. That, in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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, applicants 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. 51910 dated August 30, 1955, in Application No. 36118 and by Decision No. 59250, dated November 10, 1959, in Application No. 41187 is hereby canceled, such cancellation to become effective concurrently with the tariff filings required by paragraph 2(b) hereof.

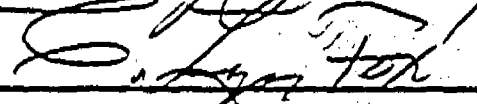
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of August, 1960.



 President





Peter E. Mitchell ^{Commissioners}
 Commissioner ~~of~~ Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.

Walter F. Peters and Myron D. Peters, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities from, to and between all points located along the highways and within the territory hereinafter described:

- (a) Greater San Francisco Area as described in paragraph (b) hereto, and points and places within five miles of the boundaries thereof; points and places on and within ten miles of U. S. Highway 40 from and including Richmond to and including Sacramento; points and places on and within ten miles of State Highway 4 from its intersection with U. S. Highway 40 near Pinole to and including Stockton; points and places on and within 10 miles of U. S. Highway 50 from Oakland to and including Stockton; points and places on and within 10 miles of U. S. Highway 99 from and including Modesto to and including Sacramento; points and places on and within 10 miles of State Highway 12 from its intersection with U. S. Highway 40 near Fairfield to its intersection with U. S. Highway 99 near Lodi; points and places on and within 10 miles of State Highway 24 from its intersection with State Highway 4 near Antioch to and including Sacramento; Sacramento and North Sacramento and points and places within twenty miles thereof; points on and within 10 miles of U. S. Highway 99E and 99W from Sacramento to and including Red Bluff; points on and within 10 miles of U. S. 99 from Red Bluff to Hilt; all points on U. S. Highway 97 from and including Weed to the Oregon State line; all points along an unnumbered highway intersecting U. S. Highway 97 at or near the Oregon border to an unnumbered highway intersecting said highway near Tule Lake and along said last-mentioned highway to Tule Lake; all points and places located within a radius of 10 miles of the Post Office at Tule Lake; all points and places along an unnumbered State highway intersecting U. S. Highway 99 near Yreka to and including Callahan via Fort Jones, Greenview and Etna, and to the off-route points of Bray and Tennant and including service at all points located within 10 miles of the identified highways north of Red Bluff; all such transportation to be performed over all available highways and streets.

Issued by California Public Utilities Commission.

Decision No. 50002, Application No. 42165.

- (b) Greater San Francisco Area includes the area embraced by the following boundary:

Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street, westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

- (c) Service to be performed between certificated points via any and all available streets and highways including all connecting streets and highways.

The operative rights hereby given are subject to the restriction that no traffic shall be handled having origin in Sacramento and destination at Davis, Woodland or Winter.

End of Appendix A

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Decision No. 50602, Application No. 42165.

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. 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.
3. 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.
4. 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 hereof.

Through routes and rates may be established between any and all points specified herein.

Issued by California Public Utilities Commission.

Decision No. 60602, Application No. 42165.