

ORIGINALDecision No. 60610

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAME DAY DELIVERY SERVICE, a
 corporation, for authority to extend
 its certificate of public convenience
 and necessity for the transportation
 of general commodities with exceptions,
 as a highway common carrier throughout
 the Los Angeles Basin territory, under
 the provisions of Section 1063-64 of
 the California Public Utilities Code.

Application No. 42134

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

O P I N I O N

Same Day Delivery Service 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 certificates of public convenience and necessity granted by Decision No. 55242, dated July 9, 1957, in Application No. 36375, which was transferred to the applicant by Decision No. 56970, dated July 15, 1958, in Application No. 40181, and Decision No. 53772, dated September 18, 1956, as supplemented by Decision No. 54414, dated January 22, 1957, in Application No. 36036, which were transferred to applicant by Decision No. 59387, dated December 15, 1959, as amended by Decision No. 59545, dated January 26, 1960, in Application No. 41552. These certificates authorize the applicant to transport general commodities within the Los Angeles Territory and special commodities within the Los Angeles Territory and from Los Angeles to San Diego. The applicant

does not serve intermediate points on the Los Angeles to San Diego route.

Applicant now requests a certificate of public convenience and necessity pursuant to Sections 1063 and 1064 of the Public Utilities Code, in lieu of, and as an extension of, applicant's existing certificate, authorizing applicant to perform transportation of general commodities in the Los Angeles Basin area with the same authorization on the hauling of special commodities that applicant now holds.

A public hearing was held before Examiner Edward G. Fraser, on July 7, 1960, at Los Angeles, California. No one appeared in protest to the authority requested.

The evidence shows that since applicant's last certificates were granted many of its shippers' customers have moved out of the City of Los Angeles into the Los Angeles Basin area. The applicant has been asked to provide service into this extended area and to make split pickups and split deliveries 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 in-lieu certificate combining all of applicant's operating authority.

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

Public hearings 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 Same Day Delivery Service, 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 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 it will be required, among other things, to file annual reports of its operations and to

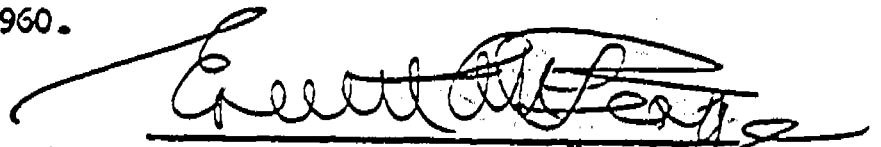
comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance requirements of the Commission's General Order No. 100-A. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Orders Nos. 99 and 100-A, may result in a cancellation of the operating authority granted by this decision.

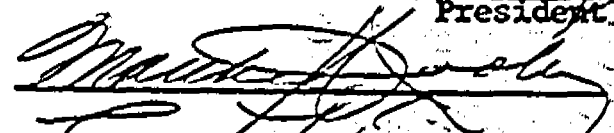
- (b) Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

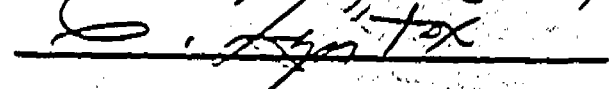
3. That the certificate of public convenience and necessity granted in paragraph (1) of this order is in lieu of and supersedes all existing certificates of public convenience and necessity granted to or acquired by applicant, which certificates are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of 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




Commissioners

Peter E. Mitchell
Commissioner J. Theodore S. Jenner, being
necessarily absent, did not participate
in the disposition of this proceeding.

Same Day Delivery Service, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities between all points and places within the following described areas:

A. General Commodities

Points within the Los Angeles Basin Territory as described in Appendix B hereto attached.

B. Special Commodities

1. Groceries and Grocers' Supplies, as listed under that heading in Item No. 360 on Fifth Revised Page 38 of Minimum Rate Tariff No. 2.
2. Iron or Steel, viz.:
 - Sheet
 - Staples
 - Strip, steel
 - Strapping
 - Wire
3. Miscellaneous Commodities, viz.:
 - Drying machines, household laundry
 - Hardware, venetian blinds
 - Lumber, finished
 - Paste, adhesive
 - Refrigerators
 - Seals, car
 - Stoves or ranges, gas or electric
 - Tools, strapping
 - Vegetable oil
 - Bags, cellulose and paper

Between:

Los Angeles, on the one hand, and San Diego, on the other hand.

Issued by California Public Utilities Commission.

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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 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.

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APPENDIX B TO DECISION NO. 60610

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; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly 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; southwesterly 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.