

ORIGINALDecision No. 60749

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of PRESTO DELIVERY SERVICE, INC.,
a corporation, for an in lieu cer-
tificate of public convenience and
necessity to operate as a highway
common carrier for the transporta-
tion of property.

Application No. 42216

Donald Murchison, attorney, for applicant.O P I N I O N

By Decision No. 52694, dated February 28, 1956, applicant was authorized to transport a limited number of commodities as a highway common carrier between the Los Angeles Drayage Area, on the one hand, and certain named points situated within Los Angeles County, on the other hand, all as more specifically set forth in said decision. Applicant also is authorized to perform transportation services as a Radial Highway Common Carrier, Highway Contract Carrier and City Carrier.

By this application, as amended, applicant seeks authority to transport general commodities between points within the Los Angeles Territory as described in Item 270-3-C of Minimum Rate Tariff No. 2 and between points in said Los Angeles Territory, on the one hand, and points within the Los Angeles Basin Territory as described in Item No. 270-B of Minimum Rate Tariff No. 2, on the other hand.

A public hearing was held in Los Angeles before Examiner Mark V. Chiesa on June 21, 1960. Oral and documentary evidence was adduced and the matter was submitted for decision. The application and notice of hearing were mailed to other carriers operating in the area proposed to be served. No one appeared to oppose the application or as an interested party in the proceeding.

The Commission finds facts and makes its conclusions as hereinafter set forth.

Ernest Ford, doing business as Presto Delivery Service, commenced operation as a permitted carrier in 1953 in the area now served by applicant. In 1955 he incorporated his business and in March of 1956 began to operate as a highway common carrier as hereinabove set forth. The business has been moderately successful and the record shows that the service rendered is satisfactory and in demand because of its dependability and promptness of delivery. Applicant now operates eighteen pieces of equipment and employs twelve drivers and two mechanics in addition to the office staff of four. It has a terminal at the intersection of Slauson Avenue and Avalon Boulevard with dock facilities for twelve trucks, yard and storage space, and office building.

As of December 31, 1959, applicant's assets and liabilities were \$24,491.95 and \$16,161.44, respectively. Outstanding capital stock amounted to 30 shares of the par value of \$100 and earned surplus was \$5,330.57. Net income, after taxes, for the year 1959 was \$4,509.72 and for the first five months of 1960 it was \$3,392.56.

Applicant proposes same-day or following-morning delivery, five days per week, Monday through Friday, to all the points and places proposed to be served.

Fifteen shipper witnesses testified in support of the application. In substance their testimony shows that applicant now performs satisfactory services for them, either as a common or permitted carrier, as authorized by this Commission; that they need applicant's proposed service for their respective expanding businesses; that in several instances it would eliminate the necessity of hiring several carriers to transport their products to different places; and that due to limited shipping space a service such as herein proposed is desirable, convenient and economical. Said witnesses were engaged in many different kinds of businesses such as sporting goods, camping equipment, general merchandise such as carried by department and variety stores, imported furniture, plastic goods, lathes, saws, abrasive materials, chemicals, laminated panes and doors for buildings, and others in addition to those now authorized to be transported.

The Commission having considered the matter is of the opinion and finds that public convenience and necessity require that the application be granted as hereinafter set forth. In order to avoid a multiplicity of certificates an in lieu certificate replacing applicant's present highway common carrier authority will be granted.

Presto Delivery Service, Inc., 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, the Commission being fully advised in the premises and having found facts as hereinabove set forth,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Presto Delivery Service, Inc., 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. The certificate herein granted is in lieu of and supersedes the certificate of public convenience and necessity granted by Decision No. 52694 dated February 28, 1956, in Application No. 36978, which certificate is hereby revoked and canceled, said cancellation to become effective concurrently with the effective date of tariff filings required by paragraph (2)b. hereof.

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

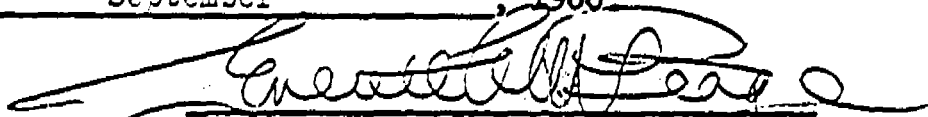
- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual 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.

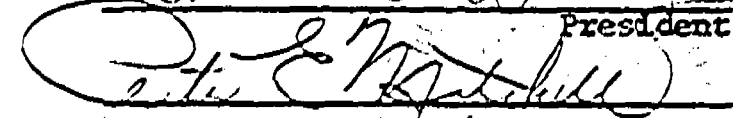
- b. Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

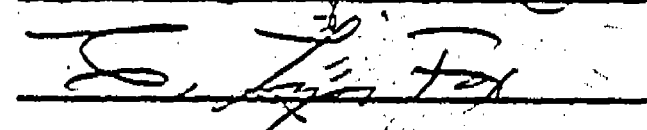
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California,
this 13th day of September, 1960.



 President





 Commissioners

Matthew J. Dooloy,
Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.

Presto Delivery Service, Inc., a corporation, by certificate of public convenience and necessity granted in the decision noted in the margin is authorized to transport general commodities, except:

- a. 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.
- b. 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.
- c. 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.
- d. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
- e. 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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- f. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- g. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Between:

- a. All points and places within the following described territory (designated as the "Los Angeles Territory"):

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; 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 No. 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.

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- b. The "Los Angeles Territory" hereinabove described, on the one hand, and points and places within the following described territory (designated as the "Los Angeles Basin Territory"), on the other hand:

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

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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.

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