

ORIGINAL

Decision No. 60750

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
GEORGE C. OERTLY and JOHN W. OERTLY,
dba OERTLY BROS. TRUCKING CO., for an
extension of their present certificate
of public convenience and necessity
to operate an automobile truck service
as a highway common carrier for the
transportation of certain commodities
between points in Southern California,
and for authority to transport general
commodities, with certain exceptions,
from points in Orange County, to
Bakersfield and Salinas and points
north thereof, on the other hand.

Application No. 41954

Turcotte & Goldsmith, by Jack O. Goldsmith, for
applicants.

O P I N I O N

George C. Oertly and John W. Oertly, doing business as
Oertly Bros. Trucking Co., are engaged in the transportation of
property by motor vehicle as a common carrier in California pursuant
to Decision No. 56890, dated June 24, 1958, in Application
No. 36388.

They seek an extension of this certificate so as to permit
the transportation of general commodities, with certain exceptions,
from all points and places in Orange County, California, to points
in Northern California, including the San Francisco and Sacramento
territories and an area along U. S. Highway 99 as far south as
Bakersfield and off-route points. They also seek authority to serve

an area in Southern California between Santa Ana, on the one hand, and, on the other, the Los Angeles Basin territory and San Diego territory and also between the Los Angeles territory and the San Francisco territory.

A public hearing was held in this matter on May 18, 1960, at Santa Ana, before Examiner Grant E. Syphers, at which time evidence was adduced and the matter submitted. It now is ready for decision.

Upon consideration of all of the evidence presented in this matter we now find that public convenience and necessity require that the application be granted as set forth in the ensuing order. It appears that applicants possess the experience, equipment, personnel, and financial resources to institute and maintain the operation authorized herein.

There was no opposition to this application.

The ensuing order will provide for an in lieu certificate incorporating 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 to the number of rights which may be given.

O R D E R

Application as above entitled having been filed, a public hearing having been held, the Commission being fully advised in the premises and having made the foregoing findings,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to George C. Oertly and John W. Oertly, 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 and over the routes as more particularly set forth in Appendices A, B, C, D, E and F attached hereto and made a part hereof.

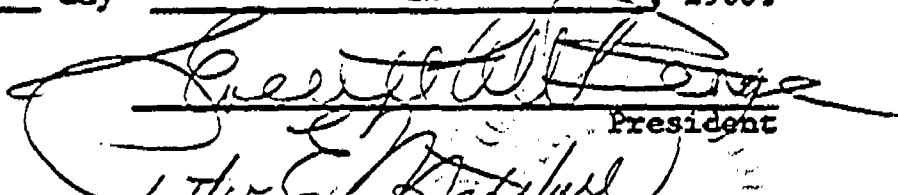
(2) That, in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

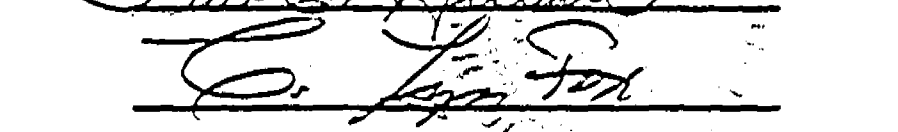
- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file 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. 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 Order No. 99, 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, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

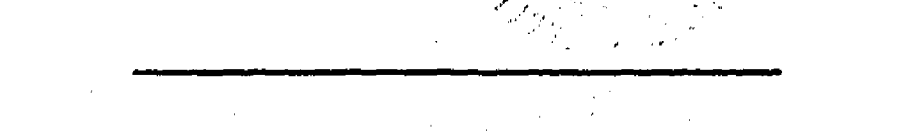
(3) That the operating authority granted by Decision No. 56890, dated June 24, 1958, in Application No. 36388, is hereby canceled, said cancellation to become effective concurrently with the effective date of the tariff filings required by Paragraph 2(b) above.

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

Dated at San Francisco, California,
this 30th day SEPTEMBER, 1960.



President




Commissioners

Matthew J. Dooley

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

A. George C. Oertly and John W. Oertly, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport the following:

1. CANNED GOODS AND OTHER ARTICLES, as listed under that heading in Item No. 610-0 on Fifteenth Revised Page 47 of Minimum Rate Tariff No. 2.
2. CONTAINERS, SHEET IRON OR STEEL, SET UP (with or without their equipment of bails, handles, covers, bungs or nozzles), as listed under that heading in Items Nos. 30530 through 30565 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
3. GROCERIES AND GROCERS' SUPPLIES, as listed under that heading in Item No. 360-H on Eighth Revised Page 38 of Minimum Rate Tariff No. 2.
4. MISCELLANEOUS COMMODITIES, VIZ.:
Articles, synthetic resin
Cans, Cups or Tubs, paper or pulpboard
Fruits, fresh
Resin
Vegetables, fresh

(1) Between Santa Ana, on the one hand, and, on the other hand,

- (a) All points in the Los Angeles Basin Territory, as described in Appendix B attached hereto.
- (b) All points in the San Diego Territory, as described in Appendix C attached hereto, serving all intermediate points via U.S. Highway No. 101, and all points within 15 miles laterally of U.S. Highway No. 101 between Santa Ana and said San Diego Territory.
- (c) All points in the San Francisco Territory, as described in Appendix D attached hereto, Fresno, Modesto, and points in the Sacramento Area as described in Appendix E attached hereto.

(2) Between all points in the Los Angeles Territory as described in Appendix F attached hereto, on the one hand, and all points in the San Francisco Territory as described in Appendix D attached hereto, on the other hand.

Issued by California Public Utilities Commission.

Decision No. 60750, Application No. 41954.

3. Applicants are authorized to transport general commodities from all points and places in Orange County, on the one hand, and, on the other hand, to the following points and places including points and places located within 15 miles laterally of the highways named:

- (1) All points in the San Francisco Territory as described in Appendix D attached hereto.
- (2) Bakersfield and points in the Sacramento Area as described in Appendix E attached hereto.
- (3) Santa Rosa, Gilroy, Salinas, Manteca, Tracy, Byron and Porterville.
- (4) All points on U.S. Highway No. 99 between Bakersfield and Sacramento.
- (5) All points on U.S. Highway No. 40 between Sacramento and San Francisco Territory as described in Appendix D attached hereto.
- (6) All points on U.S. Highway No. 101 between Gilroy and San Francisco Territory as described in Appendix D attached hereto, and between said Territory and Santa Rosa.
- (7) All points on State Highway No. 152 between Califa and Gilroy.
- (8) All points on U.S. Highway No. 50 between Manteca and San Francisco Territory as described in Appendix D attached hereto, and on the unnumbered county road between Tracy and Byron.
- (9) All points on State Highway No. 4 between Stockton and San Francisco Territory as described in Appendix D attached hereto.

C. The authorities hereinabove set forth in Paragraphs A(1)(c), A(2), and E(1) through (9) do not include the right to render service to, from or between intermediate points between Santa Ana and the

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Decision No. 60750, Application No. 41954.

San Francisco Territory, Fresno, Modesto or the Sacramento Area;
between the Los Angeles Territory and the San Francisco Territory;
or between points in Orange County and Bakersfield or Gilroy.

D. 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. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.

End of Appendix A

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Decision No. 60750, Application No. 41954.

LOS ANGELES BASIN TERRITORY

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

Issued by the California Public Utilities Commission

Decision No. 60750, Application No. 41954.

LOS ANGELES BASIN TERRITORY (continued)

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.

End of Appendix B

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Decision No. 60750, Application No. 41954.

SAN DIEGO TERRITORY

That area embraced by the following imaginary line starting at a point on the seacoast directly west of the northerly junction of U. S. Highways 101E and 101W (4 miles north of La Jolla); thence easterly through said junction; thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakesaid on the El Cajon-Ramona Highway; thence southerly to Bostonia on U. S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

End of Appendix C

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Decision No. 60750, Application No. 41954.

SAN FRANCISCO TERRITORY

All of the City of San Jose and that 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 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue, easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 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

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Decision No. 60750, Application No. 41954

SAN FRANCISCO TERRITORY (continued)

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 40 (San Pablo Avenue); northerly along U. S. Highway 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 waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

End of Appendix D

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Decision No. 60250, Application No. 41954.

SACRAMENTO AREA

The City of Sacramento and that area located within one mile of the city limits of Sacramento including the territory bounded as follows: Beginning at the point where Highway U.S. 40-Highway U.S. 99E (Del Paso Boulevard) intersects the northern city limits of Sacramento along said highway to Rio Linda Boulevard; northeasterly along Rio Linda Boulevard to Nogales Avenue; southeasterly along Nogales Avenue to 10th Street; southerly along 10th Street to East El Camino Avenue, easterly along East El Camino Avenue to 11th Street; southerly along 11th Street to Bassetlaw Avenue; southeasterly along Bassetlaw Avenue to its junction with Swanston Road at Swanston Station including the plants of C. Swanston & Son, Lumbermen's Supply, Inc., Sacramento Wool Company, Sacramento Feed Company and the Essex Lumber Company, returning westerly along Bassetlaw Avenue to its junction with Highway U.S. 40-99E (Del Paso Boulevard) and along Del Paso Boulevard to point of beginning.

End of Appendix E

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Decision No. 60750, Application No. 41954.

LOS ANGELES TERRITORY

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.

End of Appendix F

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Decision No. 60750, Application No. 41954.

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS
PRISON INDUSTRY AUTHORITY

Certificate of Individual Microfilm or
Other Photographic Reproduction

Section 14756, Government Code

I, the undersigned, hereby certify to the following in connection with the accompanying microfilm (photographic reproduction):

That I, Thomas Coupe, Industrial Supervisor, P.I.A. Micrographics or B85786 an employee in the charge of Mr. Coupe, have been provided with access to the records, documents, instruments, plans, books or papers (hereinafter referred to as "records") of C.P.I.I.C. at C.M.F. VACAVILLE CA., for the purpose of microfilming; that such access was provided with the consent of said person or entity; that such records are reproduced in the accompanying microfilm; and that each Department of Corrections P.I.A. of the State of California reproduction includes the following identifying symbol, roll number Vol #627.

That pursuant to delegation of the Department of Corrections P.I.A., I am authorized to direct and control the reproduction of documents and records of the Department or of other persons and entities in the manner authorized by Section 14756 of the Government Code, and Section 1551 of the Evidence Code; to execute certificates as required by Section 1531 and 1551 of the Evidence Code; and to certify under the official seal of the Department.

That this microfilm of the above described records was taken under my direction and control on the date hereof and that it is a complete, true and correct copy thereof;

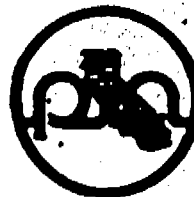
That the microfilming or other photographic processes were accomplished in a manner and on film which meet with the standard specification of the United States National Bureau of Standards and A.N.S.I.

That this certificate was made at the time of the taking of this microfilm.

WITNESS my hand and the seal of the Department of Corrections Prison Industry Authority
4 day of Nov, 19 85

Thomas R. Coupe
(name)

california



prison
industry
authority