

ORIGINALDecision No. 60784

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MILES MOTOR TRANSPORT SYSTEM, a
corporation, for a certificate of
public convenience and necessity to
extend highway common carrier
service.

Application No. 41412

Edward M. Berol and Bruce R. Geernaert, for applicant.

Peart, Baraty & Massard, by Gus L. Baraty, for Santa
Fe Transportation Co., et al.; Thomas R. Dwyer,
for Delta Lines, Inc., Valley Motor Lines and
Valley Express Co.; Robert C. Ellis, for California
Motor Express, Ltd., et al., interested parties.

O P I N I O N

This application was filed on August 19, 1959. It was amended three times, the last amendment being filed on February 8, 1960, which was after the final hearing herein. Hearings were held in San Francisco and Los Angeles and the matter was submitted (subject to filing of amendments to the application) on January 26, 1960. The interested parties first appeared as protestants but changed their appearances and withdrew when applicant agreed to amend its application so as to request an "on call" certificate of public convenience and necessity.

Applicant presently has operating authority extending generally from Eureka to Los Angeles Territory on the coast and from Sacramento to Los Angeles Territory through the central valleys. The present request is for rights supplementary to its present authority and would have the effect of giving applicant the right to serve virtually the entire State. Both the present

and proposed authorities include 25-mile lateral rights. The applicant also requests removal of certain restrictions against local service within San Francisco and Los Angeles Territories.

The comparatively small reaction from potential competitors and the eventual withdrawal of even this protest is largely due to the nature of applicant's service. Both applicant and the regular dry freight common carriers transport both truckload and less truckload shipments. With most such carriers emphasis is heavily on the less truckload movements. With applicant the reverse is the case.

Applicant offered a number of public witnesses in both San Francisco and Los Angeles. These represented a number of very substantial companies. They both shipped and received freight transported by applicant. They found the service excellent and desired its extension. Many supported, especially, the lateral rights request in this application. These either ship to, or receive from, out-of-the-way points. Many need special types of equipment and, at times, a great deal of it.

It appears that a grant of the authority requested will meet a definite need of a section of the shipping public.

Applicant has the ability to perform the enlarged service requested. It owns three, and leases four terminals and has available to it four terminals operated by an affiliate. Its equipment, personnel, experience and finances are adequate for the purposes of the application.

The Commission finds that public convenience and necessity require that the application, as amended, be granted as set forth in the following order.

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 findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Miles Motor Transport System, 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, on call, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

2. 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. Decision No. 47105, dated May 5, 1952 in Application No. 30262, as amended to date, is hereby further amended by striking therefrom ordering paragraphs Nos. (2)(c) and (2)(d)3. thereof. Said Decision No. 47105, as amended to and including this present order, is continued in full force and effect.

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

Dated at San Francisco, California, this 27th day of September, 1960.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

Miles Motor Transport System, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities on call, between all points and places on, or within twenty-five miles laterally of the following routes:

1. State Highway 16 between Sacramento and Woodland.
2. U.S. Highway 99W between Woodland and Red Bluff.
3. U.S. Highway 99E between Sacramento and Red Bluff.
4. U.S. Highway 99 between Red Bluff and the Oregon-California border.
5. U.S. Highway 40 between Sacramento and Truckee.
6. U.S. Highway 50 between Sacramento and the California-Nevada border.
7. State Highway 89 between Truckee and Tahoe Valley.
8. State Highway 28 between Tahoe City and the California-Nevada border.
9. State Highway 88 between Stockton and Jackson.
10. State Highway 8 between Stockton and Valley Springs.
11. State Highway 12 between Clements and San Andreas.
12. State Highway 49 between Jackson and junction State Highway 120.
13. State Highway 120 between Manteca and Lee Vining.
14. U.S. Highway 66 between Los Angeles and California-Arizona border.
15. U.S. Highways 60 and 70 between Los Angeles and California-Arizona border.
16. U.S. Highways 101 and 101 Alternate between Los Angeles and California-Mexico border.
17. U.S. Highway 395 between San Diego and California-Nevada border.
18. State Highway 74 between Hemet and Capistrano Beach.
19. Unnumbered highway between Temecula and State Highway 74 via Winchester.
20. U.S. Highway 299 between junction U.S. Highway 101 and Alturas.
21. State Highway 139 between Canby and the California-Oregon border.
22. U.S. Highway 97 between Weed and the California-Oregon border.
23. State Highway 89 between Manzanita Lake and Mount Shasta.
24. State Highway 44 between Redding and Manzanita Lake.
25. U.S. Highway 395 between the California-Nevada border and the California-Oregon border.

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26. State Highway 36 between Red Bluff and Johnstonville.
27. U.S. Highway 40 Alternate between Marysville and California-Nevada border.
28. State Highway 140 between Merced and Yosemite Village.
29. U.S. Highway 6 between Los Angeles and California-Nevada border.
30. State Highway 33 between Los Banos and Taft.
31. U.S. Highway 466 between Bakersfield and California-Nevada border.
32. U.S. Highway 99 between Riverside and California-Mexico border.
33. U.S. Highway 80 between San Diego and El Centro.

Applicant may transport property on call between any point enumerated above and any point applicant is now authorized to serve.

Applicant is authorized to use any street, road, highway, ferry or toll bridge which is, or may hereafter become, necessary or convenient to the performance of the service herein authorized.

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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
4. Petroleum or petroleum products in bulk in tank vehicles.
5. Poultry.

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Appendix A

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(a corporation)

6. Agricultural commodities in the natural state and which have not been processed or partially prepared for human consumption.
7. Fertilizers as described in Items Nos. 535, 540 and 550 of Pacific Southcoast Freight Bureau, Agent, Exception Sheet No. 1-S, M. A. Nelson, Tariff Publishing Officer.
8. Explosives as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10.
9. 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 thereof.

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