

**ORIGINAL**Decision No. 60843

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 PRICKEIT TRANSPORTATION CO., a  
 corporation, for an expansion and  
 restatement of its certificate of  
 public convenience and necessity  
 authorizing highway common carrier  
 service.

Application No. 42383  
 (Amended)

James F. Mastoris, for applicant.

O P I N I O N

This application, as amended August 18, 1960, was filed June 21, 1960, and seeks to expand applicant's authority to include all of the Los Angeles Basin Territory and all of the San Francisco Territory, both as defined hereinafter in the order which follows, and to include Los Banos as a service point.

Public hearing was held in San Francisco before Examiner Rowe on August 23, 1960. Evidence both oral and documentary was adduced and the matter was duly submitted for decision. Competitors were notified, but none appeared in protest.

According to the evidence of record this proposed expansion will permit applicant to better meet the requirements of its shippers, and will in no way adversely affect any competing highway common carrier. The Commission finds that public convenience and necessity require that applicant be granted the authority it seeks. This will be accomplished by revoking the operative rights of applicant issued by Decisions numbered 56720, 57508 and 57113 in Application No. 36400 and issuing new operative rights as herein requested.

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

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Prickett Transportation Co., a corporation, authorizing the transportation of property as a highway common carrier as defined by Section 213 of the Public Utilities Code between the points and over the routes as set forth in Appendices A, B and C attached hereto and by reference 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. The operating authority granted by Decisions numbered 56720, 57508 and 57113 in Application No. 36400 is hereby canceled and revoked, said revocation to become effective concurrently with the effective date of 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 14th day of OCTOBER, 1960.

Carroll J. Barrett  
President

John P. Stahill

William J. Cook

E. J. Fox

Richard J. Denver  
Commissioners

Prickett Transportation Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized as a highway common carrier to transport property as follows:

- (1) FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 39690 through 39730, 39790, and 40360 through 40440 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof,

## BETWEEN:

Ripon, points in Stanislaus County, and Los Banos, on the one hand, and Stockton, and points in San Francisco Territory, as described in Appendix B attached hereto, and points in Los Angeles Basin Territory, as described in Appendix C attached hereto, on the other hand.

NOTE: The authority herein granted does not authorize transportation between San Francisco Territory and Los Angeles Basin Territory, nor does it authorize service to intermediate points.

- (2) GLASSWARE, as listed under that heading in Items Nos. 46280 through 46315 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof,

## BETWEEN:

Los Angeles, on the one hand, and Ripon and points in Stanislaus County, on the other hand.

NOTE: No service to intermediate points is authorized by this paragraph.

Issued by California Public Utilities Commission.

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- (3) SCRAP, TIN PLATE OR TERNE PLATE, as listed under that heading in Item No. 54830 and TERNE PLATE OR TIN PLATE, as listed under that heading in Items Nos. 55020 through 55110 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof,

BETWEEN:

Ripon, points in Stanislaus County, Stockton and points in San Francisco Territory, as described in Appendix B attached hereto.

NOTE: No service to intermediate points is authorized by this paragraph.

End of Appendix A

Issued by California Public Utilities Commission.

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SAN FRANCISCO TERRITORY includes all 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; north-easterly 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, Harbord 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 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwestly 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.

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 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.