

Decision No. 60965**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SPECIAL SERVICE TRANSPORTATION CORPO-  
RATION, LTD., a corporation, for a  
certificate of public convenience  
and necessity to extend highway  
common carrier service.

Application No. 42276  
(Amended)

Phil Jacobson, for applicant.

O P I N I O N

Applicant is a highway common carrier of limited commodities operating under the authority of a certificate of public convenience and necessity issued by this Commission. Applicant also holds radial highway common carrier and highway contract carrier permits issued by this Commission. Applicant seeks herein authority to transport commodities dealt in by retail and wholesale grocery establishments, in regular and refrigerated equipment, between the Los Angeles Territory, on the one hand, and, on the other hand, points on U.S. Highway 99 between Mettler and Fresno and points and places located 20 miles laterally thereof.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis at Bakersfield on September 13, 1960 and at Los Angeles on September 14, 1960. No one appeared at the hearing to protest the application. The matter was submitted subject to the filing of an amendment authorized at the hearing. The amendment has been filed and the matter is ready for decision.

The evidence indicates that applicant has approximately 30 pieces of operating equipment. Its gross receipts were \$156,896 for

1959 and \$110,242 for the first six months of 1960. It had an earned surplus of \$12,555 as of June 30, 1960. Based upon the foregoing evidence, the Commission finds that applicant has the ability, including financial ability, to conduct the operations for which authority is herein sought.

The record discloses that applicant has for some time been hauling groceries and related commodities under its radial and contract permits between the Los Angeles Territory, on the one hand, and, on the other hand, points on U.S. Highway 99 between Mettler and Fresno, including points within 20 miles laterally thereof. Because of the good service which applicant has been rendering to its customers, applicant's radial highway common carrier grocery hauling in the area here involved has increased to the point where there could possibly be some question as to whether applicant was in fact operating as a highway common carrier in the area. To eliminate this potential problem, applicant decided to file this application, and if it is granted, applicant will consolidate its radial and contract operations and transport groceries in this area solely as a highway common carrier.

Twelve witnesses, representing shippers and receivers of freight in the area here in question, testified in behalf of applicant. This testimony may be summarized by stating that these witnesses testified that their companies were presently utilizing the services of applicant as a radial or contract carrier for the transportation of groceries and related items between the points here under consideration; that applicant provides an excellent overnight service for said transportation; that applicant always provides refrigerated equipment when requested; that they desired to continue to use the services of applicant; and that if applicant were granted

the certificate of public convenience and necessity herein requested, they would utilize its service to the points involved as a highway common carrier.

Six of the witnesses who testified in behalf of applicant stated that prior to the time their companies began to use applicant for the transportation of groceries between the points here involved they were unable to find a carrier which met their transportation needs in the area. Some of the firms had been using, in part, proprietary trucking which was discontinued when they started shipping by applicant.

The Commission finds that public convenience and necessity require that the application be granted to the extent hereinafter set forth.

In order to avoid confusion among the shipping public and assist the Commission in its regulatory functions, the additional operating authority herein granted and applicant's existing certificate of public convenience and necessity will be consolidated.

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 Special Service Transportation Corporation, Ltd., 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 and B attached hereto and made a part hereof.

2. In providing service pursuant to the certificate of public convenience and necessity 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.

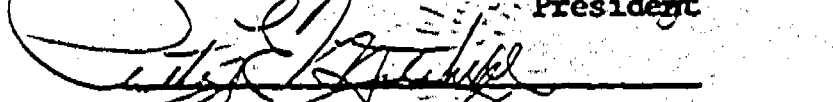

3. The certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes all existing

certificates of public convenience and necessity heretofore granted to or acquired by Special Service Transportation Corporation, Ltd., which certificates are 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 25th day of OCTOBER, 1960.

  
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President

  
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Commissioners

C. Lyn Fox

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

Special Service Transportation Corporation, Ltd., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities between the points and places hereinafter enumerated:

I. Motion picture films, film supplies and accessories limited to projecting machinery and parts thereof, lighting effects including carbons and bulbs, advertising matter, tickets, programs, candy, chewing gum, popcorn, and popcorn bags and boxes, between Los Angeles, Greenfield, Ford City, Taft, Buttonwillow, Oildale, Bakersfield, Arvin, Lamont, Tehachapi, Mojave, Ridgecrest, Trona, Camp Irwin, Barstow, Lerwood, Victorville, Boron, Murdoc, Deuel Vocational Institute, Lancaster and Palmdale, subject to the following conditions:

- a. Applicant shall transport only shipments originating at or consigned to theatres, churches and schools, and other places where films are shown.
- b. Applicant shall conduct operations over and along U.S. Highways 6, 66, 99, 395, 399 and 466; State Highway 178 and any and all other streets, roads and highways necessary or convenient for the performance of the service herein authorized.

II. Those commodities described or listed under the following specific or generic headings shown in Western Classification No. 77,

J. P. Hackler, Tariff Publishing Officer: (See Note)

ADVERTISING MATTER, as described in Items 2485 through 2690.

ATHLETIC, GYMNASTIC OR SPORTING GOODS, as described in Items 6945 through 8080.

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## Appendix A

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CORPORATION, LTD.  
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BAGS, as described in Items 9400 through 9730.

BAKERY GOODS, as described in Items 9745 through 9820.

BROOMS, BRUSHES OR MOPS, OR PARTS NAMED, as described in Items 15545 through 15750.

CAMERAS, CINEMA OR PHOTOGRAPHIC MATERIALS, as described in Items 19810 through 19970.

CANDY OR CONFECTIONERY, as described in Items 20050 through 20200.

CAPS, COVERS OR TOPS, OTHER THAN DISPLAY, FOR BOTTLES, CANS, GLASSES OR JARS, OR CAN BOTTOMS, as described in Items 20260 through 20400.

CASINGS, as described in Items 21360 through 21400.

CEREAL FOOD PREPARATIONS, as described in Items 21765 through 21900.

CHEMICALS, as described in Items 21980 through 26640.

CHINAWARE, EARTHENWARE OR POTTERY, as described in Items 26660 through 26760.

CIGARS, CIGARETTES, SNUFF OR MANUFACTURED TOBACCO, as described in Items 26880 through 26940.

CLOTH, DRY GOODS OR FABRICS, as described in Items 27730 through 28395.

CLOTHING, as described in Items 28490 through 28590.

COVERS, as described in Items 31300 through 31450.

DAIRY PRODUCTS, as described in Items 31770 through 31930.

DECORATIONS, as described in Items 31960 through 32260.

DRUGS, MEDICINES OR TOILET PREPARATIONS, as described in Items 33270 through 33780.

ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, as described in Items 34020 through 35430.

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## Appendix A

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FEED, ANIMAL OR POULTRY, as described in Items 37030 through 37690.

FISH, FROZEN, as described in Items 38505 through 38575 (excluding fresh fish).

FLOOR COVERINGS OR RELATED ARTICLES, as described in Items 38830 through 39060.

FOIL, as described in Items 39350 through 39380.

FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, NOT COLD-PACK NOR FROZEN, UNLESS OTHERWISE SPECIFIED, as described in Items 39410 through 41150.

FRUITS OR VEGETABLES, DEHYDRATED, DRIED OR EVAPORATED, as described in Items 41565 through 41790.

GAMES OR TOYS, as described in Items 44710 through 45200.

GLASSWARE, as described in Items 46210 through 46720.

GRAIN PRODUCTS, as described in Items 46955 through 47210.

GREASE, as described in Items 47765 through 47870.

HARDWARE, as described in Items 48640 through 51180.

HOUSEHOLD UTENSILS OR RELATED ARTICLES, as described in Items 52380 through 52770.

LAMPS, LANTERNS OR LIGHTING FIXTURES, OR PARTS NAMED, as described in Items 55690 through 56100.

LIQUORS, BEVERAGE, as described in Items 56830 through 56880.

MEATS, COOKED, CURED, PRESERVED; LARD; LARD SUBSTITUTES; RENDERED PORK FATS; OR DRESSED POULTRY, as described in Items 67780 through 68010 (excluding fresh meats).

NUTS, EDIBLE, as described in Items 70970 through 71090.

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OILS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as described in Items 72305 through 72670.

PAPER, as described in Items 75260 through 75870, including Paper as described in Item 75885.

PAPER ARTICLES, as described in Items 75890 through 76980.

PASTE, as described in Items 77050 through 77110.

PETROLEUM OR PETROLEUM PRODUCTS, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, as described in Items 77230 through 77340.

PLASTIC MATERIALS, SYNTHETIC, AND RELATED ARTICLES, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as described in Items 77655 through 77840.

PRINTED MATTER, as described in Items 79505 through 79630.

ROOTS OR SPICES, as described in Items 83785 through 84010.

SEEDS, as described in Items 84760 through 85370.

SHEET STEEL WARE, as described in Items 85515 through 86000.

STATIONERY, as described in Items 87800 through 88010.

TREED, as described in Items 89440 through 89460.

WAX, as described in Items 96260 through 96420.

WOODENWARE, as described in Items 97180 through 98045.

MISCELLANEOUS COMMODITIES, viz.:

Bleach, laundry, as described in Item 11270.

Bluing, laundry, as described in Items 11370 through 11390.

Buffing or polishing compounds, as described in Item 15850.

Cabinets, dispensers or holders, as described in Item 19745.

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## Appendix A.

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Candles, as described in Item 19990.  
Cartridges, small arms, as described in Item 5980.  
Cellulose film or film products, as described in  
Items 21490 and 21510.  
Charcoal and charcoal briquettes or pellets, as  
described in Items 21940 and 21950.  
Cigar or cigarette lighter liquids or pastes, as  
described in Item 26850.  
Cleaners, tobacco pipe, as described in Item 27560.  
Cleaning, scouring or washing compounds, as  
described in Items 27570 through 27590.  
Combs, as described in Items 28870 through 28890.  
Confectioners' colorings, as described in Item 30470.  
Cordage, as described in Items 30790 and 30800.  
Liquors or liquids, nonalcoholic, as described in  
Item 56895.  
Mats, as described in Items 67710 through 67745.  
Notions, as described in Item 70820.  
Pipe stems or mouthpieces, or cigar or cigarette  
holders, as described in Item 77510.  
Pipes, tobacco, as described in Items 77520 and 77530.  
Popcorn, as described in Items 46910 and 46915.  
Rennet extract, as described in Items 83260 and 83270.  
Starch, as described in Items 87755 through 87770.  
Steel wool, as described in Items 88070 and 98090.  
Stoppers, bottle, as described in Items 88120 through  
88170.  
Tires or tubes, rubber, as described in Items 84440  
through 84490.  
Toasters, as described in Item 89790.  
Wrappers, as described in Items 98170 and 98180.

NOTE: The term "Items" as used above refers to the  
specified items as listed in Western Classification No.  
77, J. P. Hackler, Tariff Publishing Officer, on  
the issue date thereof and Supplements 9, 11, 13  
and 15 thereto.

BETWEEN points in the Los Angeles Territory as described in Appendix  
B attached hereto, on the one hand, and, on the other hand,  
all points and places over and along and within 20 miles  
laterally of U.S. Highway 99 between and including Mettler  
and Fresno.

End of Appendix A

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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.