

ORIGINALDecision No. 61040

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
INTERCITY TRUCK & DELIVERY SERVICE,
INC., a California corporation, for
an In Lieu certificate of public
convenience and necessity to operate
as a highway common carrier for the
transportation of property and to
extend its present certificate of
public convenience and necessity.

Application No. 42711

O P I N I O N

By the application herein, filed on September 27, 1960, applicant, a highway common carrier operating as such pursuant to authority from this Commission, seeks an in lieu certificate of public convenience and necessity authorizing it to transport general commodities, with exceptions, to, from and between all points and places located in the Los Angeles Basin Territory as described in Item 270-B of Minimum Rate Tariff No. 2.

Applicant proposes to use all available public highways between points proposed to be served, as hereinabove mentioned, and within the cities proposed to be served, and to use such streets and highways as may be necessary to serve consignors and consignees located in said cities.

Applicant's certificated authority is reflected by Decision No. 53510, dated July 31, 1956, in Application No. 36405.

Thereby it is authorized to carry general commodities, with exceptions, (a) between points in the Los Angeles Territory and (b) between Los Angeles, on the one hand, and Anaheim, Santa Ana, and Pomona, on the other hand. This authority is subject to a restriction against establishing through routes and joint rates as to the authorities set forth in (a) and (b) of this paragraph.

As justification for the granting of the requested authority applicant alleges:

(1) That it has operated between the points proposed to be served herein continuously for many years as a permitted carrier.

(2) That since the issuance of Decision No. 53510, supra, applicant has received numerous requests for service from various shippers having movements of general commodities to, from and between the points in the present service area.

(3) That during the past three years there has been an ever-increasing demand on applicant for the service proposed to be effected and during the past few years and since the issuance of the original certificate to the applicant there has been a substantial increase in population and industry in the points and places in the areas presently served and proposed to be served by applicant.

(4) That applicant's regular customers frequently have occasion to tender shipments which require split deliveries where both deliveries are within applicant's presently authorized service area as a common carrier, and in other instances where only one delivery would be within the area and other

deliveries would be outside the area. This places a rate burden on applicant's regular customers.

The proposed service will be on call but will be conducted daily except Sundays and holidays between one or more of the pairs of points proposed to be served. Saturday delivery at destination points will be provided.

Applicant is a party to Western Motor Tariff Bureau, Inc., Agent, Local Joint and Proportional Freight Tariff No. 17-A, California P.U.C. No. 33, Elmer Ahl, Agent Series, in the publication of its rates and charges with respect to the commodities which it presently transports between those points it now serves as a highway common carrier. In connection with the proposed service applicant proposes to establish rates substantially in conformity with rates published in the above-described tariff.

Applicant's office is in Vernon, California. It owns and operates approximately 31 pieces of equipment of all types.

On December 31, 1959, applicant had total assets of \$74,405 and a claimed net worth of \$35,688.

Applicant served copies of the application on all known competing carriers prior to September 27, 1960. No objections to the requested authority were received prior to the date of this decision.

The Commission having considered the matter is of the opinion and finds and concludes that public convenience and necessity require that applicant be authorized to establish and operate a highway common carrier service as hereinafter set forth, and it will be so ordered. An in lieu certificate will be granted for the purpose of clarification, in place of applicant's present operating authority which will be annulled. A public hearing is not deemed necessary.

Intercity Truck & 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. 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

An application having been filed, the Commission having found that public convenience and necessity require

that applicant be granted the authority it has requested, and based on said finding,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Intercity Truck & Delivery Service, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes as more particularly set forth in Appendix A and Appendix B, attached hereto and made a part hereof.

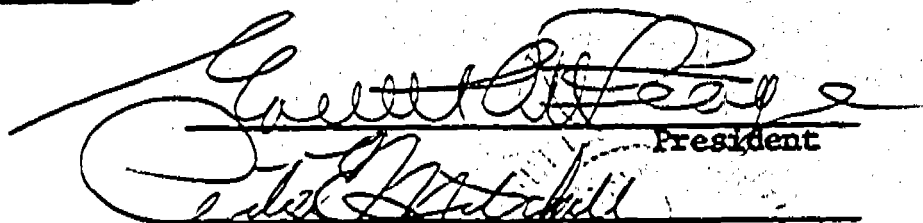
(2) That in providing service pursuant to the certificate herein granted applicant shall comply with and observe the following service regulations:

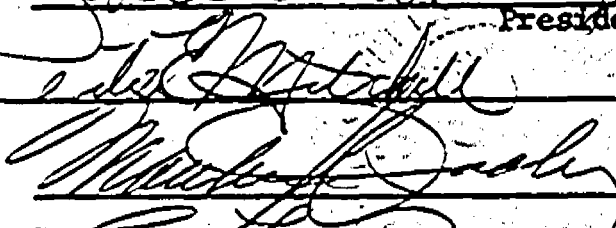
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual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

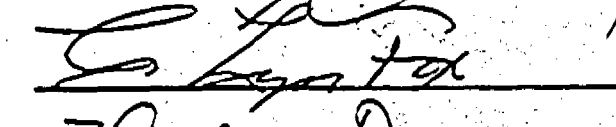
(3) That the certificate of public convenience and necessity granted in paragraph (1) of this order is in lieu of and supersedes the existing certificate of public convenience and necessity as a highway common carrier heretofore granted to Intercity Truck & Delivery Service, Inc., by Decision No. 53510, dated July 31, 1956, in Application No. 36405, which certificate is hereby cancelled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph (2) (b) hereof.

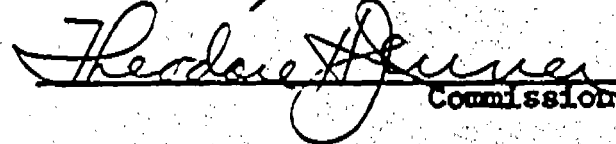
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 14th day of NOVEMBER, 1960.



President






Commissioners

Intercity Truck & Delivery Service, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points in the Los Angeles Basin Territory as described in Appendix B attached hereto.

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 busses, 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, busses 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) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment;
- (5) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles;
- (6) Commodities when transported in bulk in dump-truck or hopper-type trucks;
- (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit;
- (8) Logs.

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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; 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 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.

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