

ORIGINALDecision No. 61200

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 CAREY TRUCK LINE, INC., a corporation,
 for the extension of its certificate
 of public convenience and necessity
 as a highway common carrier of property.

Application No. 42522

Ivan McWhinney, for applicant.O P I N I O N

Applicant is a highway common carrier. Applicant transports property under a highway common carrier certificate granted by the Commission in Decision No. 58058, as amended by Decision No. 58986. Said certificate authorizes the transportation of oil field equipment and supplies and general commodities, with the usual exceptions, over specified routes between the points as follows:

- (1) Oil Field equipment and supplies between Los Angeles and San Luis Obispo; Los Angeles and Bakersfield; Los Angeles and Newport Beach; Newhall and Bakersfield; Las Cruces and Santa Maria; Santa Paula and Buellton; Castaic Junction and Ventura; Los Angeles and Mendota; Castaic and Gorman; Greenfield and Taft; Bakersfield and McKittrick; and Devils Den and Oilfields.
- (2) General commodities between Las Cruces and Santa Maria; Santa Paula and Buellton; Castaic Junction and Ventura; Los Angeles and Mendota; Castaic and Gorman; Greenfield and Taft; Bakersfield and McKittrick; Devils Den and Oilfields; Maricopa and Santa Maria; Maricopa and Ventura; and Oxnard and Santa Maria.

A public hearing was held on October 25, 1960, at Los Angeles, before Examiner Martin J. Porter and the matter was submitted. There was no protest to the application although the

application and notice of hearing were sent to all known common carriers with whom the service proposed herein might be competitive.

In general applicant seeks by this application to extend its general commodities right to all points it now serves under its oil field equipment and supplies right. Applicant has permits as a highway contract carrier, city carrier and a radial highway common carrier issued to it by this Commission.

Four shipper witnesses testified. These shippers all have used applicant's service and were highly satisfied. The name, address and type of commodity shipped by twelve additional witnesses present at the hearing were read into the record. Exhibit 1 contains the name, address and commodity shipped by 52 additional possible witnesses.

The commodities shipped included, in part, hand tools, pipe, plastics, paint, conduit, cable, stepladders, paint brushes, ironing boards, industrial belts and hoses, ink, chemicals, groceries, auto accessories, construction materials and medical supplies.

The majority of the shippers indicated that they had need for applicant's service daily into the area sought by this application.

The testimony of the witnesses indicated that their main reasons for supporting this application were that the shipper could be afforded the benefit of split delivery rates when he ships items both to oil fields and industrial plants in the same shipment. It would relieve congestion at the shipper's docks if one carrier could be used for all types of shipments.

The testimony was that many of the oil companies as well as the shippers were diversifying their operations so that now there were not only shipments of oil field equipment but also general commodities into this area.

Exhibit C attached to the application is a substantial list of equipment available to the applicant and testimony was produced that this equipment was not used to capacity under present operations and, further, that should the need arise applicant was prepared to augment its facilities and equipment.

Exhibit B attached to the application shows as of June 30, 1960, total assets of \$71,188.88 and a surplus of \$12,701.03.

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

Public hearing having been held and based upon the evidence adduced therein and the application filed herein,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Carey Truck Line, Inc., 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 between the points and places and over and along the routes and subject to the restrictions, as more particularly set forth in Appendix A attached hereto.

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 one hundred twenty 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. That 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 Carey Truck Line, Inc., 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 13th day of December, 1960.

Gretchen A. Page
 President

Walter J. ...

Walter J. ...

Walter J. ...

Theodore J. ...
 Commissioners

I. General Commodities

A. Carey Truck Line, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between any and all points and places on and within 15 miles laterally of the following named highways:

1. U.S. Highway 101 between Santa Ana and San Luis Obispo, inclusive.
2. U.S. Highway 101 Alternate between Newport Beach and Ventura, inclusive.
3. State Highway 55 between Newport Beach and Santa Ana, inclusive.
4. U.S. Highway 6, Alameda Street, Long Beach Boulevard or State Highway 15 between U.S. Highway 101 in or near Los Angeles and U.S. Highway 101 Alternate in or near Long Beach, inclusive.
5. U.S. Highway 66, State Highway 26 or Washington Boulevard between Los Angeles and Santa Monica, inclusive.
6. State Highway 118 between San Fernando and junction with U.S. Highway 101 near Ventura, inclusive.
7. State Highway 126 between Castaic Junction and Ventura, inclusive.
8. State Highway 150 between Santa Paula and Buellton, inclusive.
9. State Highway 1 between Las Cruces and Orcutt, inclusive.

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10. U.S. Highway 99 between Los Angeles and Bakersfield, inclusive.
11. U.S. Highway 466 between Bakersfield and Blackwells Corner, inclusive.
12. State Highway 33 between Mettler Station and Mendota, inclusive.
13. State Highway 166 between Mettler Station and Santa Maria, inclusive.
14. U.S. Highway 399 between Greenfield and Ventura, inclusive.
15. State Highway 178 between Bakersfield and McKittrick, inclusive.
16. Unnumbered highway, State Highway 41 and State Highway 198 between Devils Den and Oilfields, inclusive, via Kettleman City and Stratford.
17. Unnumbered highway between Castaic and Gorman, inclusive, via Sandbergs.
18. Through routes and rates may be established between any and all points described in subparagraphs 1 through 17 above.

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B. 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 semiplastic 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.

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II. Oil Field Equipment and Supplies

A. Further, Carey Truck Line, Inc., is authorized to transport the commodities set forth in paragraph B hereof between points on and within 15 miles laterally of the following named highways:

1. U.S. Highway 6 between Los Angeles and Mojave, inclusive.
2. U.S. Highway 466 between Mojave and Bakersfield, inclusive.
3. Through routes and rates may be established between any and all points described in subparagraphs 1 and 2 above and between such points, on the one hand, and, on the other hand, all points described in Section I, paragraphs A 1 through 17.

B. Applicant is authorized to transport the following commodities:

1. Oil-, water-, or gas-well outfits and supplies, heavy machinery, pipe, steel, tanks and machinery, materials, equipment, supplies and facilities used in, incidental to, or in connection with (a) the discovery, development, production and preservation of natural gas and petroleum; (b) construction, operation, repair, servicing, dismantling and maintenance of pipelines; (c) construction, operation, repair, servicing, dismantling and maintenance of facilities for the storage of natural gas, gasoline and petroleum; and (d) construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending of gasoline, natural gas and petroleum.

End of Appendix A

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