

Decision No. 61264**ORIGINAL**

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

In the matter of the application of  
 CHARLES A. PEARSON, doing business  
 as ANAHEIM TRUCK & TRANSFER CO.,  
 for the extension of his certificate  
 of public convenience and necessity  
 as a highway common carrier of  
 property.

Application No. 42491

O P I N I O N

Charles A. Pearson, doing business as Anaheim Truck & Transfer Co., requests authority to extend his service as a highway common carrier.

Applicant presently conducts three separate and distinct operations. The first is a local service between points within the Los Angeles Basin Area; the second is a line-haul operation between Santa Barbara, Los Angeles and Anaheim; the third is a line-haul operation between the San Diego Territory and the Los Angeles Territory. Applicant is restricted against the establishment of joint routes and rates between these operations. In the instant application applicant requests the removal of these restrictions and for authority to serve additional points in the Los Angeles and San Diego Territories.

Applicant owns and operates 170 pieces of equipment and maintains a terminal at Anaheim. As of March 31, 1960, applicant indicated a net worth in the amount of \$375,478.14 and for the first three months of 1960 realized a net profit in the amount of \$14,451.98.

It is alleged that applicant serves a large number of shippers in his present operations and has been requested by many of

them to extend his service as proposed; that the elimination of the present restrictions will permit applicant to handle substantially all shipments of his customers within and between points in the area now served; that a single line service will result in less dock congestion and produce a savings in transit time and also reduce handling costs and bookkeeping costs.

Copies of the application were served upon certificated carriers serving the proposed area. In addition, the Commission, by letter, requested the same carriers to indicate whether they would have any protest to the granting of the application. No protest has been received.

After consideration the Commission finds and concludes that public convenience and necessity require the granting of the authority sought. A public hearing is not necessary.

Charles A. Pearson 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

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That in the place and stead of his existing operative rights a certificate of public convenience and necessity is hereby granted to Charles A. Pearson authorizing the transportation of property as a highway common carrier between the points and over the routes as set forth in Appendices A and 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 he will be required, among other things, to file annual reports of his 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 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 certificate of public convenience and necessity granted by Decision No. 53370 in Application No. 36487, which certificate is hereby revoked and canceled, said revocation to become effective concurrently

with the effective date of 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  
25<sup>th</sup> day of DECEMBER, 1962.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Theodore J. Janner  
Commissioners

Charles A. Pearson, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities as follows:

- (1) Between all points and places within the Los Angeles-Santa Ana Territory, as described in Appendix B attached hereto, over and along the most appropriate streets and highways within said territory.
- (2) Between Santa Barbara, the Los Angeles-Santa Ana Territory and the San Diego Territory, as described in Appendix B attached hereto, over and along U. S. Highway No. 101, serving all intermediate points and all off-route points located on or within three miles laterally of said highway, including the points of Point Mugu, Port Hueneme, Oxnard, Santa Paula, Fillmore, Ojai, Goleta, Saticoy, Somis, Woodland Hills and Canoga Park.

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Applicant shall not transport the following commodities:

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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
5. 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.
6. Commodities when transported in bulk in dump truck or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.

End of Appendix A

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LOS ANGELES-SANTA ANA TERRITORY

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 Ventura Boulevard; westerly along Ventura Boulevard to Topanga Canyon Boulevard; northerly along Topanga Canyon Boulevard to Santa Susana Avenue; northerly along Santa Susana Avenue to San Fernando Mission Boulevard; easterly and northeasterly along San Fernando Mission Boulevard and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest boundary 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; southerly along the prolongation of said county road to the Riverside County boundary; westerly along the Riverside County boundary to Redlands Boulevard; southerly along Redlands Boulevard to Alessandro Avenue in Moreno; westerly along Alessandro Avenue to Perris Boulevard; southerly along Perris Boulevard to Morgan Street; westerly along Morgan Street and its prolongation to Cajalco Drive; westerly along Cajalco Drive via Lake Mathews to State Highway No. 71; northerly along State Highway No. 71 to State Highway No. 18; westerly along State Highway No. 18 to the Orange County boundary; southerly and westerly along the Orange County boundary to the Pacific Ocean; westerly and northerly along the shoreline 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 the point of beginning.

Including within said Los Angeles-Santa Ana Territory all places within the corporate limits of any city which is bisected by the above described boundary line.

SAN DIEGO-ESCONDIDO TERRITORY

Beginning at the intersection of U.S. Highway No. 101 and State Highway No. 78; thence easterly and southerly along State Highway No. 78 to Escondido on U. S. Highway No. 395; thence southerly along U. S. Highway No. 395 to Miramar; thence following an imaginary line from Miramar to Lakeside

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APPENDIX B TO DECISION NO. 61264 (cont'd.)

on the El Cajon Ramona Highway; thence southerly to Bostonia on U. S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; thence west to the Pacific Ocean and north along the coast to the point of beginning.

Including within said San Diego-Escondido Territory all places within the corporate limits of any city which is bisected by the above described boundary line.

End of Appendix B

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