

Decision No. 61289**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 DOUGLAS S. WHYTE and TONY I. CENBRANO, )  
 partners, doing business as SIEFERT )  
 TRUCK SERVICE, for a certificate of )  
 public convenience and necessity to )  
 operate as a highway common carrier. )

Application No. 42260

O P I N I O N

Douglas S. Whyte and Tony I. Cenbrano, doing business as Siefert Truck Service, request authority to provide service as a highway common carrier.

Applicants are presently engaged as a permitted carrier and propose a certificated service between the San Francisco and Los Angeles Territories, the Counties of Contra Costa, Merced, Monterey, Sacramento, San Joaquin and Stanislaus as well as all points and places within said counties, and certain intermediate points.

The proposed service is for an "on-call" service, five days a week excluding Saturdays, Sundays and Holidays. The proposed rates would be the same as those set forth in Minimum Rate Tariff No. 2.

Applicants own and operate 13 pieces of equipment. As of November 30, 1959, they indicated a net worth in the amount of \$43,151.10 and for the eleven months ending November 30, 1959, realized a net profit in the amount of \$9,648.87.

It is alleged that applicants have been serving the proposed area from their headquarters in French Camp, near Stockton, for many years as a permitted carrier; that the restrictive nature of such operations is a competitive handicap and prevents them from providing their customers with a full and complete service; that they have received numerous requests for the type of service herein proposed.

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 intended to protest 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.

Applicants are 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 a certificate of public convenience and necessity is hereby granted to Douglas S. Whyte and Tony I. Cenbrano, authorizing the transportation of property as a highway common carrier between the points and over the routes set forth in Appendices A, B, and C attached hereto.

2. That, in providing service pursuant to the authorization herein granted, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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 and twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 28th day of December, 1960.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners

Douglas S. Whyte and Tony I. Cenbrano, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities as follows:

1. Between all points and places in the Counties of Contra Costa, Merced, Monterey, Sacramento, San Joaquin, and Stanislaus.
2. Between points in the San Francisco Territory as described in Appendix B attached hereto and points in the Los Angeles Basin Territory as described in Appendix C attached hereto, including all points located on and within 25 miles laterally of the following highways:
  - a. U. S. Highway 50 between Hayward and Tracy, inclusive.
  - b. U. S. Highway 99 between San Fernando and the southerly limits of Merced County, inclusive.
  - c. State Highway 33 between Mettler Station and Dos Palos, inclusive.
  - d. State Highway 152 between Califa and Red Top, inclusive.
3. Through routes and rates may be established between any and all points described in subparagraphs 1 and 2 hereof.
4. Applicants may use any and all highways and roads between the areas described for operating convenience only.
5. No local service is authorized between points and places within:
  - a. San Francisco Territory as described in Appendix B attached hereto.
  - b. Los Angeles Basin Territory as described in Appendix C attached hereto.

Issued by California Public Utilities Commission.

Decision No. 61289, Application No. 42260.

Applicants 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. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
5. Logs.
6. Fresh or green fruits or vegetables (not cold pack nor frozen) when:
  - a. The point of destination is a cannery, accumulation station, cold storage plant, precooling plant or winery; or
  - b. The point of destination for shipments of sugar beets is a beet sugar factory or a railroad loading dump; or
  - c. Transported from the field or point of growth to a packing plant, or packing shed (see Exception).

EXCEPTION

Except for the transportation of citrus fruits in field boxes or in bulk, or avocados, the provisions of paragraph c will not apply when the distance between point of origin and point of destination exceeds 50 constructive miles.

End of Appendix A

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Decision No. 61289, Application No. 42260.

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; southwestery 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; southwestery 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.