

**ORIGINAL**

Decision No. 61352

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:  
BIG M TRUCKING COMPANY, a corporation,  
for an in lieu certificate of public  
convenience and necessity as a high-  
way common carrier of general commo-  
dities, with the usual exceptions, be-  
tween various points in Los Angeles,  
Riverside and San Bernardino Counties,  
pursuant to Sections 1063-1064 of the  
California Public Utilities Code.

Application No. 42803

Glanz, Russell and Schureman, by R. Y. Schureman,  
for applicant.

O P I N I O N

By the application herein, filed on October 28, 1960, ap-  
plicant, 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, between Los Angeles, Long Beach,  
Compton, South Gate, Lynwood, Huntington Park, Bell Gardens, May-  
wood, Vernon, Monterey Park, El Monte, and the City of Commerce, on  
the one hand, and, on the other, all points on U. S. Highway No. 66  
between Irwindale Avenue and San Bernardino, inclusive; all points  
on U. S. Highway No. 60 between Irwindale Avenue and Riverside, in-  
clusive; all points on U. S. Highway No. 99 between Irwindale Avenue  
and Colton, inclusive; and all points on U. S. Highway No. 91 be-  
tween Corona and San Bernardino, inclusive; serving all points  
laterally within three miles of said highways.

A public hearing on the application was held in Los Angeles before Examiner Kent C. Rogers on December 2, 1960. Prior to said hearing notice thereof was served on all known competing highway common carriers. Only one protest was filed, by Paxton Trucking Company, and the application was amended to prohibit the transportation of commodities that, because of size or weight, require special equipment or handling. Its objection was thereupon withdrawn.

Applicant will use all available public highways between points proposed to be served, as hereinabove mentioned, and within the cities proposed to be served.

Applicant's certificated authority is reflected by Decision No. 55152, dated June 18, 1957, in Application No. 36151, and Decision No. 59527, dated January 12, 1960, in Application No. 41669. Thereby it is authorized to carry various metal items, hardware, tools, and buffing or polishing compounds, between Los Angeles, Compton, South Gate, and Huntington Park, on the one hand, and Azusa, El Monte, Pomona, Ontario, Fontana, San Bernardino, Colton, Riverside, Arlington and Covina, on the other hand.

As justification for the granting of the request, applicant alleges that while the named items in the western portion of the existing certificate include the major industrial and commercial points in the Los Angeles area, nevertheless there are other major shipping points in the same area which are either not covered or are only partially covered by the statutory three-mile pickup and delivery provision; that this tends to create confusion with the shipping public; that since the certificate was granted the area served

has had an unprecedented growth; that since the granting of the original certificate there has been a relentless trend toward diversity of the commodities which the applicant is requested to carry; and that the granting of authority to carry more commodities in a larger area, as requested, will enable applicant to serve the public convenience and necessity.

Four shippers and consignees of items applicant cannot carry as a highway common carrier, all of whom ship in substantial volumes to, from, or between points proposed to be served by applicant, appeared and testified in support of the application. All were familiar with the applicant and use its services as a permitted carrier or desire that its services be available as a highway common carrier. Each witness said he would use applicant's services as a highway common carrier of general commodities if applicant secures the authority it has requested.

The service will be on-call daily except Sundays and holidays.

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

Applicant's office is in Colton, California. It owns and operates eighteen pieces of equipment.

On September 30, 1960, applicant had total assets of \$25,650 and a claimed net worth of \$5,915. For the period of April 1 through September 30, 1960, it made a net profit from operations of \$1,175.

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 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.

Big M Trucking Company, a corporation, 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 cancelled 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, a public hearing having been held thereon, the Commission having found that public

convenience and necessity require that the 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 Big M Trucking Company, 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 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 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 existing certificates of public convenience and necessity as a highway common carrier heretofore granted by Decision No. 55152, dated June 18, 1957, in Application No. 36151, and acquired by applicant by Decision No. 59527, dated January 12, 1960, in Application No. 41659, 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 17th day of January, 1961.

Cecil B. DeLoach  
President

W. Mitchell

E. J. Fox

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Commissioners

Big M Trucking Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between various points in Los Angeles, Riverside, and San Bernardino Counties as follows:

Between Los Angeles, Long Beach, Compton, South Gate, Lynwood, Huntington Park, Bell Gardens, Maywood, Vernon, Monterey Park, El Monte, and the City of Commerce, on the one hand, and, on the other, all points on U. S. Highway No. 66 between Irwindale Avenue and San Bernardino, inclusive; all points on U. S. Highway No. 60 between Irwindale Avenue and Riverside, inclusive; all points on U. S. Highway No. 99 between Irwindale Avenue and Colton, inclusive; and all points on U. S. Highway No. 91 between Corona and San Bernardino, inclusive, serving all points laterally within three miles of said highways.

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.

Issued by the California Public Utilities Commission.

Decision No. 61352, Application No. 42803.

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 trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Commodities that, because of size or weight, require special equipment or handling.

End of Appendix A

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Decision No. 61352, Application No. 42803.