

Decision No. 61526

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
WEST COAST FAST FREIGHT, INC., for a  
certificate to operate as a Highway  
Common Carrier of general freight  
with some exceptions between the  
Los Angeles area and the San Francisco  
area.

Application No. 33606

In the Matter of the Application of:  
WEST COAST FAST FREIGHT, INC., a  
corporation, to sell and PACIFIC  
INTERMOUNTAIN EXPRESS CO., a  
corporation, to purchase all of the  
assets and to assume all of the  
liabilities of the former, pursuant  
to Sections 851-853 of the California  
Public Utilities Code.

Application No. 37443

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, Pacific Intermountain Express Co., a corporation, acquired a certificate which is described in part by reference to a territorial description contained in a minimum rate tariff. As the certificate is worded, some question may arise whether any amendment to the territorial description of the minimum rate tariff would be incorporated automatically into this certificate.

It is apparent that any changes made by the Commission in the territorial descriptions set forth in the minimum rate tariffs are predicated on minimum rate considerations and not public convenience and necessity. On the other hand, any changes in a highway common carrier's certificate of public convenience and necessity must be based solely on public convenience and necessity.

It is the Commission's conclusion that the territory referred to in the certificate is the corresponding territory as described in the minimum rate tariff at the time the certificate was issued. Any other interpretation would result in a certificate that could be expanded or contracted without any consideration of public convenience and necessity.

The following order will clarify the certificate by stating the territorial description specifically by metes and bounds.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted to West Coast Fast Freight, Inc., by Decision No. 50547, dated September 14, 1954, in Application No. 33606, and acquired by Pacific Intermountain Express Co. by Decision No. 52299, dated November 29, 1955, in Application No. 37443, is hereby amended by providing that, where reference therein is made to Los Angeles Territory, such territory is as described in Appendix A attached hereto and by this reference made a part of Decision No. 50547, supra.

(2) That within one hundred twenty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Pacific Intermountain Express Co. shall amend its tariffs on file with the Commission to reflect the clarification of the certificate here involved.

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

Dated at San Francisco, California, this 21st day of February, 1961.

Cecil B. Page  
President  
Walter E. Mitchell  
S. Lynn Fox  
George B. Hoover  
Friedrich B. Holoboff  
Commissioners

APPENDIX A TO DECISION NO. 61526

LOS ANGELES TERRITORY includes that area embraced by the following boundary: 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 State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U. S. Highway 66 to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line 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 point of beginning.