

Decision No. 61534

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Albert Borchard, doing
business as General Trucking Service,
for a certificate of public convenience and
necessity to transport magazines, books,
periodicals, advertising material and
items used in wrapping and baling such
items over the public highways of the State
of California, as a Highway Common Carrier.)

Application No. 35856

Application of Albert Borchard, doing
business as GENERAL TRUCKING SERVICE, a
sole proprietorship, to transfer operating
rights and other public utility property
to GENERAL TRUCKING SERVICE, a corporation;
and of GENERAL TRUCKING SERVICE, a
corporation, for authority to issue capital
stock.)

Application No. 42445

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, General Trucking Service, 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,

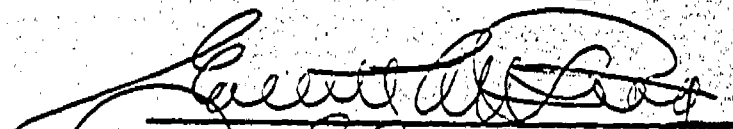
IT IS ORDERED:

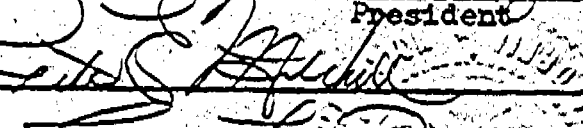
(1) That the certificate of public convenience and necessity granted to Albert Borchard, an individual, by Decision No. 52065, dated October 11, 1955, as amended by Decision No. 52405, dated December 28, 1955, in Application No. 35856, and acquired by General Trucking Service, a corporation, by Decision No. 60670, dated September 1, 1960, in Application No. 42445, is hereby amended by substituting Original Page 1 in place and stead of Appendix A to Decisions Nos. 52065 and 52405, and by adding thereto a new appendix designated as Appendix B, attached hereto.

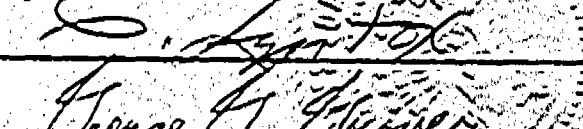
(2) That within one hundred twenty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, General Trucking Service shall amend its tariffs on file with the Commission to reflect the clarification of the certificate here involved.

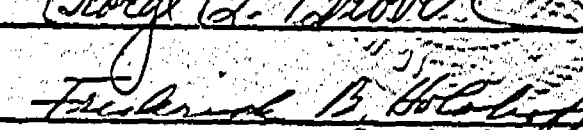
The effective date of this order shall be twenty days after the date hereof.

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



President






Commissioners

General Trucking Service, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport printed matter, viz.: books, magazines and periodicals; newspaper or magazine display racks; and iron or steel wire between:

- (1) Points within the Los Angeles Territory as described in Appendix B attached hereto.
- (2) Los Angeles, on the one hand, and Pomona, Ontario and San Bernardino, on the other hand.
- (3) Los Angeles, on the one hand, and Whittier, Santa Ana and San Diego, on the other hand.
- (4) Los Angeles, on the one hand, and Ventura, Santa Barbara, Santa Maria, San Jose, San Mateo, Oakland and San Francisco, on the other hand.
- (5) Los Angeles, on the one hand, and Bakersfield, Tulare, Visalia, Merced, Modesto, Fresno, Stockton and Sacramento, on the other hand.

The authority set forth in Paragraphs Nos. (2), (3), (4) and (5) does not include the right to render from, to or between intermediate points.

Applicant shall not establish through rates and joint rates, charges, and classifications as to the separate authorities hereinabove set forth in Paragraphs Nos. (1), (2), (3), (4) and (5).

End of Appendix A

Issued by the California Public Utilities Commission
Decision No. 6133A, in Applications Nos. 35856 and 42445

APPENDIX B TO DECISION NO. 61534

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 Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway 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.