

**ORIGINAL**

Decision No. 61536

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
ZOVEN MELIKIAN, an individual doing	)	
business under the firm name and style	)	
of MELIKIAN TRUCKING COMPANY, to	)	Application No. 35972
operate a Highway Common Carrier	)	
Service.	)	

SUPPLEMENTAL OPINION AND ORDER

By the decisions hereinafter identified, Zoven Melikian was granted a certificate which is described in part by reference to territorial descriptions contained in a minimum rate tariff. As the certificate is worded, some questions may arise whether any amendment to the territorial descriptions 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 territories referred to in the certificate are the corresponding territories 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 descriptions specifically by metes and bounds.

Therefore, good cause appearing,

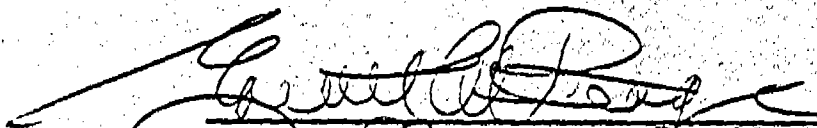
IT IS ORDERED:

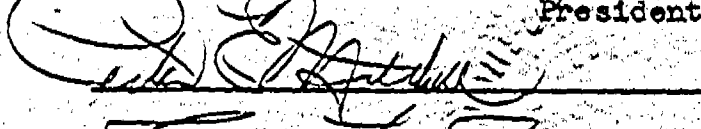
(1) That the certificate of public convenience and necessity granted Zoven Melikian by Decision No. 51655, dated July 5, 1955, as amended by Decision No. 51795, dated August 9, 1955, and Decision No. 52136, dated October 25, 1955, in Application No. 35972, is hereby further amended by substituting First Revised Page 2 in place and stead of Page 2 to Appendix A to the above said decisions, and by adding thereto new appendices designated as Appendix B and Appendix C attached hereto.

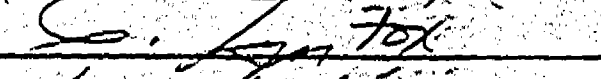
(2) That within one hundred twenty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, Zoven Melikian shall amend his tariffs on file with the Commission to reflect the clarification of the certificate here involved.

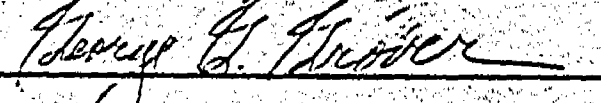
The effective date of this order shall be twenty days after the date hereof.

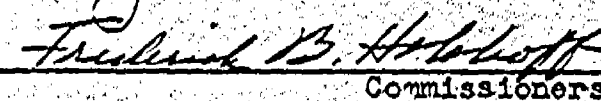
Dated at San Francisco, California, this 11th day of February, 1961.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
E. J. Hadden

  
\_\_\_\_\_  
E. Lynn Fox

  
\_\_\_\_\_  
George E. Hoover

  
\_\_\_\_\_  
Commissioners

Candy or confectionery (as listed under that heading in Items nos. 8935 through 9030 of Western Classification No. 75, Cal. P.U.C. No. 8 of George H. Dumas, Agent, on the issue date thereof and supplements numbers 40, 41 and 45 thereto)

between:

1. San Francisco Territory as described in Appendix B attached hereto, on the one hand, and Escalon and Fresno, on the other hand.
2. Los Angeles Territory, as described in Appendix C attached hereto, on the one hand, and Fresno, on the other hand.
3. Fresno and San Diego.
4. Fresno, on the one hand, San Rafael and Santa Rosa, on the other hand.
5. Livermore and Los Angeles.
6. Livermore and Fresno.
7. Stockton and Fresno and intermediate points, via U. S. Highway 99.

with the right to serve points within a 5-mile radius of Fresno. The operating authorities, set forth in numbers 1 through 6 above, do not include the right to serve from, to or between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in paragraphs 1 and 3.

End of APPENDIX A

Issued by the California Public Utilities Commission

Decision No. 61536, in Application No. 35972.

SAN FRANCISCO TERRITORY includes 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 No. 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Miles 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 No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; south-westerly 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.

END OF APPENDIX B.

APPENDIX C TO DECISION NO. 61536

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.