

ORIGINAL

Decision No. 61546

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Thomas L. Dease, doing)
business as, THOMAS L. DEASE PACKAGE)
AND DELIVERY SERVICE to operate a)
highway common carrier service as an)
extension of present operations as a)
highway common carrier.)

Application No. 36233

In the Matter of the Application of)
THOMAS L. DEASE, doing business as)
DEASE PACKAGE AND DELIVERY SERVICE to)
transfer his Certificate and Public)
Convenience to DEASE DELIVERY SERVICE,)
a California corporation.)

Application No. 40452

SUPPLEMENTAL OPINION AND ORDER

By the decision hereinafter identified, Dease Delivery Service, Inc., 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 Thomas L. Dease, an individual, by Decision No. 56921, dated July 1, 1958, in Application No. 36233, and acquired by Dease Delivery Service, Inc., a corporation, by Decision No. 57482, dated October 21, 1958, in Application No. 40452, is hereby amended by substituting a new Appendix B, attached hereto, in place and stead of Original Page 1 of Appendix B to Decision No. 56921, 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, Dease Delivery Service, Inc., 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.

16 Dated at San Francisco, California, this 21st day of 1961 February, ~~1960~~.

[Handwritten Signature]

President
[Handwritten Signature]

[Handwritten Signature]

George L. Grover
[Handwritten Signature]

Commissioners

SAN DIEGO territory referred to in Appendix A of Decision No. 56921, dated July 1, 1958, in Application No. 36233, includes the area embraced by the following boundary:

Beginning at a point where the Otay River enters San Diego Bay; thence easterly along the Otay River to an intersection with Beyer Way; northerly along 3rd Street and Del Monte Avenue to Tremont Street; westerly along Tremont Street to 3rd Avenue; northerly along 3rd Avenue to Quintard Street; easterly along Quintard Street to 1st Avenue; northerly along 1st Avenue to Oxford Street; easterly along Oxford Street and the southerly boundary line of the City of Chula Vista; northerly along the easterly boundary line and its prolongation and continuing northerly along the easterly boundary line of said city; westerly and northerly along said boundary line and its prolongation to an intersection with Sweetwater Road; easterly along Sweetwater Road and Valley Road to the southerly boundary line of the City of San Diego; easterly, northerly, westerly, northerly, and easterly along said boundary line to an intersection with the southerly prolongation of 69th Street; northeasterly and northerly along said city limits line to Jamacha Road; easterly along Jamacha Road to Helix Street; northerly along Helix Street to Lamar Street; easterly along Lamar Street and Upland Street to Kenora Drive; northerly along Kenora Drive to Dale Road; easterly along Dale Road to Bonita Street; southerly along Bonita Street to Buena Vista Drive; easterly along Buena Vista Drive to Sweetwater Springs Boulevard; southerly along Sweetwater Springs Boulevard to Del Rio Road; easterly along Del Rio Road to Calavo Drive; northerly along Calavo Drive to Campo Road; northeasterly along Campo Road to Avocado Boulevard; northerly along Avocado Boulevard to Chase Avenue; easterly along Chase Avenue to Anza Street; northerly along Anza Street to Washington Avenue; easterly along Washington Avenue to Dorothy Street; northerly along Dorothy Street to Jamacha Road; northwesterly along Jamacha Road to Main Street (U.S. Highway No. 80); northeasterly along Main Street (U.S. Highway No. 80) to Greenfield Drive; northwesterly and westerly along Greenfield Drive to Magnolia Avenue; southerly along Magnolia Avenue to Broadway; westerly along Broadway and Lake Murray Boulevard to the easterly city limit line of the City of San Diego; northerly and westerly along said city limits and its westerly prolongation to an intersection with the southeasterly boundary line of Camp Elliott; southwestly and westerly along said line of Camp Elliott to Murphy Canyon Road; northerly along Murphy Canyon Road to the city limit line of the City of San Diego; southwestly and northwesterly along said city limit line to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to San Diego Bay; northerly, easterly and southerly along the shoreline of San Diego Bay to point of beginning; also all territory within the U.S. Naval Amphibious Base and that portion of the corporate city limits of Coronado lying north thereof and the U.S. Naval Air Station, North Island.

END OF APPENDIX B