

ORIGINAL

Decision No. 61589

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 THOMAS B. WATT and WALTER J. NELSON,
 copartners, doing business as
 JOHNSON'S TRUCKING SERVICE, for a
 certificate of public convenience
 and necessity.

Application No. 42692
 (Amended)

O P I N I O N

Thomas B. Watt and Walter J. Nelson, copartners doing business as Johnson's Trucking Service, and presently rendering service as a highway common carrier, request authority to extend their operations.

Applicants are now authorized to transport general commodities from Hornbrook and Yreka, on the one hand, to Horse Creek and Indian Creek and intermediate points thereto, on the other hand. In effect, this is a westbound service. Applicants also have authority to transport lumber, veneer and forest products from Indian Creek to Hornbrook. In effect, this is an eastbound service over the same route as the general commodity authority.

Authority is herein sought to transport general commodities with certain exceptions over the route applicants now transport lumber, veneer and forest products.

Applicants own and operate approximately 17 pieces of equipment. As of June 30, 1960, they indicated total assets in the amount of \$79,318.94, and for a six-month period ending June 30, 1960, realized a net profit in the amount of \$13,796.32.

It is alleged that shippers in the area in question have requested applicants to perform a general commodity service between all points in both directions.

The original application was protested, but after the filing of the amended application the protest was withdrawn.

After consideration, the Commission finds and concludes that public convenience and necessity require the granting of the authority sought in the amended application. A public hearing is not necessary.

Applicants are 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 over a particular route. This monopoly feature may be modified or canceled 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 and an amendment thereto having been filed herein, and the Commission being of the opinion that the application as amended should be granted; therefore,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Thomas B. Watt and Walter J. Nelson, authorizing the transportation of property as a highway common carrier as defined by Section 213 of the Public Utilities Code, between the points and over the routes as set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate of public convenience and necessity herein granted, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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 to the public, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order supersedes all existing certificates of public convenience and necessity heretofore granted to or acquired by Thomas B. Watt and Walter J. Nelson, which certificates are hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

4. Decision No. 58990 dated September 15, 1959, in Application No. 38341, is hereby vacated and set aside.

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

Dated at San Francisco, California, this 24th day of FEBRUARY, 1961.

Carroll A. Boye
President
W. E. [illegible]
E. J. Fox
George C. Grover
Frederick B. Holoboff
Commissioners

Thomas B. Watt and Walter J. Nelson, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities between all points and places on the following highways:

- (a) State Highway 96 between its junction with U.S. Highway 99 and Happy Camp, inclusive.
- (b) Unnumbered highway between Happy Camp and Indian Creek, inclusive.
- (c) U.S. Highway 99 and unnumbered highway between Yreka and Hornbrook, inclusive, on the one hand, and points on the highways described in subparagraphs (a) and (b) above, on the other hand. Applicants shall provide no local service between points on U.S. Highway 99 and unnumbered highway between Yreka and Hornbrook.

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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.
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 refrigerator equipment.
5. Liquids, compresses gases, commodities in semi-plastic 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.

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