

ORIGINALDecision No. 61591

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CLARENCE SMITH and ABBIE SMITH, a)
 co-partnership, doing business as)
 SMITH BROS. TRUCK COMPANY, for a)
 Certificate of Public Convenience)
 and Necessity.)

Application No. 42969

O P I N I O N

Clarence Smith and Abbie Smith, co-partners, doing business as Smith Bros. Truck Company, are engaged in the transportation of property between points in the Los Angeles Basin Territory, pursuant to permits issued by this Commission and, allegedly, pursuant to authority from the Interstate Commerce Commission.

By this application filed with this Commission on December 15, 1960, said parties seek a certificate of public convenience and necessity for the transportation of general commodities, with exceptions, between all points in the Los Angeles Basin Territory.

In support of the granting of the requested authority, applicants allege that the industrial and manufacturing centers which formerly concentrated in Los Angeles proper have been gradually expanding and moving into the area described as the Los Angeles Basin Territory and that by reason of the movement of applicants' customers to outlying districts and the regularity of applicants' service and changing conditions, applicants seek a

certificate of public convenience and necessity to serve those customers they have and those who require their services.

Applicants' service will be on call, except Sundays and holidays. They have approximately 45 pieces of equipment of all types which are to be used in the operation. Their office and place of business is at 1704 East 16th Street, Los Angeles, California. They will establish rates in conformity with Western Motor Tariff Bureau Publications.

As of September 30, 1960, applicants had total assets they valued at \$89,957 and current liabilities of \$63,417.

The Commission, having considered the matter, is of the opinion and finds and concludes that public convenience and necessity require that applicants be authorized to establish and operate a service as a highway common carrier as hereinafter set forth, and it will be so ordered. Copies of the application were served on all known competing highway common carriers. No protests have been filed. A public hearing does not appear to be necessary.

Clarence Smith and Abbie Smith 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. 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 having been filed, the Commission having considered the application and having made the foregoing finding, and based on said finding,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it hereby is granted to Clarence Smith and Abbie Smith, co-partners, doing business as Smith Bros. Truck Company, authorizing them to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes as more particularly set forth in Appendix A and Appendix B attached hereto and made a part hereof.

2. That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

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

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

Dated at San Francisco, California, this 28th day of FEBRUARY, 1961.

Ernest R. Pease
 President

W. H. [unclear]

S. [unclear]

George T. Hoover

Frederick B. Holbrook
 Commissioners

Clarence Smith and Abbie Smith, 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 in the Los Angeles Basin Territory as described in Appendix B attached hereto.

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, compressed 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 truck or hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

End of Appendix A

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LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

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