

**ORIGINAL**

Decision No. 61612

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WILLIAMS TRANSPORTATION, INC., a corporation, for the extension of its certificate of public convenience and necessity as a highway common carrier of property.

Application No. 42862

Ivan McWhinney and Nat H. Williams, for applicant.

Earl J. Brooks, for Pacific Intermountain Express Co., protestant.

O P I N I O N

Williams Transportation, Inc., a corporation, was authorized to transport general commodities within the Los Angeles Basin Territory, under a certificate of public convenience and necessity issued by Decision No. 56214, dated February 4, 1958, as amended by Decision No. 58164, dated March 24, 1959, and transferred to applicant by Decision No. 59137, dated October 13, 1959.

This application requests a certificate of public convenience and necessity authorizing applicant to extend its service so as to transport general commodities, subject to certain exceptions, between points in the Los Angeles Basin Area, San Diego Territory, and Santa Barbara and intermediate points.

Notice of filing of the application was given to the competitors of applicant as set forth in Exhibit E thereof, and notice of the hearing mailed to all interested parties.

A public hearing was held at Los Angeles on January 16, 1961, before Examiner Robert D. DeWolf, and the matter was submitted on said date.

Pacific Intermountain Express Co. appeared at the hearing and opposed the granting of additional operating rights to applicant, but did not call any witnesses or introduce any evidence in support of this position. Mr. Earl J. Brooks, Director of Commerce for the Pacific Intermountain Express Co., was present on behalf of protestant and cross-examined all witnesses testifying in support of the application.

At the hearing applicant's chief executive officer testified that his shops and equipment are very modern and up to date, that many of his shippers have expanded their business and have requested the additional service, and that all of the allegations in the application and attached exhibits are true and correct.

Nine men who manage traffic for Firestone Tire and Rubber Co., Owens Illinois Glass Co., Ducommun Metals & Supply Co., R.C.A. Victor Distributing Co., Baby Line Furniture Corp., Acme Hardware Co., Germain's, Inc., H. Kramer & Co., and Anadite, Inc., testified that applicant's service was being used by their firms and was very satisfactory; that the proposed additional service would be of great benefit to their businesses in expediting deliveries and in reducing congestion at docks, and would produce economy in operations. Each stated that his company would use the proposed additional service.

Exhibit No. 1 is a list of seventeen shippers which applicant alleged were using its service and whose traffic managers would testify substantially the same as the nine witnesses who were sworn.

Applicant and protestant then entered into a stipulation that if the traffic managers of said firms were called they would so testify. Protestant then withdrew its objections to the extension

of applicant's service to Santa Barbara, and limited its opposition to the extension to San Diego.

Upon consideration of all of the evidence the Commission finds and concludes that a substantial number of shippers need and will use the extended service requested by applicant, and further finds that the applicant has the experience, equipment, personnel and financial resources to institute and maintain the requested service, and that public convenience and necessity require that the application be granted. The following order will cancel applicant's present operating rights and restate them, including therein the service herein authorized.

Williams Transportation, Inc., is 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

Application as above entitled having been filed, public hearing having been held thereon, and the Commission basing its decision on the findings and conclusions herein,

IT IS ORDERED:

- (1) That a certificate of public convenience and necessity be

and it hereby is granted to Williams Transportation, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of property, with certain exceptions, between the points as more particularly set forth in Appendices A, B and C, attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, applicant 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.

(3) That the certificate of public convenience and necessity granted in paragraph (1) of this order supersedes the certificate of public convenience and necessity granted by Decisions Nos. 56214 and

52164 and acquired by applicant by Decision No. 59137, which certificate is hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph (2) (b) hereof.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of March, 1961.

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*[Signature]* President  
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*George T. Trotter*  
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*Fredrick B. Halaloff*  
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 Commissioners

Everett C. McKeage  
Commissioners. Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Williams Transportation, Inc., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities as follows:

1. Between all points and places in the Los Angeles Basin Area as described in Appendix B attached hereto.
2. Between all points and places in the San Diego Territory as described in Appendix C attached hereto.
3. Between all points on and within 3 miles laterally of U.S. Highways 101 and 101-A between the southern boundary of the Los Angeles Basin Area and the northern boundary of the San Diego Territory, inclusive.
4. Between all points on and within 3 miles laterally of U.S. Highways 101 and 101-A between the northern boundary of the Los Angeles Basin Area and Santa Barbara, inclusive.
5. Through routes and rates may be established between any and all points described in subparagraphs 1 through 4 above.

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

End of Appendix A

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LOS ANGELES BASIN AREA includes that area embraced by the following boundary:

Beginning in the County of Los Angeles 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 until it intersects the corporate boundary of the City of San Fernando; westerly, northerly and easterly around said corporate boundary until it intersects 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 boundaries until Mill Creek Road; southwesterly along Mill Creek Road until Bryant Avenue; southeasterly and southerly along Bryant Avenue to Yucaipa Boulevard; westerly along Yucaipa Boulevard to U.S. Highways 70 and 99; northwesterly on U.S. Highways 70 and 99 until Brookside Avenue; westerly along Brookside Avenue until it becomes Barton Road; westerly along Barton Road until it intersects U.S. Highway No. 91; southerly and southwesterly along U.S. Highway No. 91 until it intersects State Highway No. 55; southerly and southwesterly along State Highway No. 55 and a prolongation thereof to the Pacific Ocean; thence northerly along an imaginary line to the point of beginning.



SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U. S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.