

Decision No. 61613**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 JAMES H. CARR and CHARLES A. CARR,
 Co-partners doing business as CARR
 BROS. OXNARD TRUCKING SERVICE, for
 an in lieu certificate of public
 convenience and necessity to trans-
 port property as a common carrier
 of general commodities between
 points in Los Angeles, Ventura,
 Santa Barbara and San Luis Obispo
 Counties.

Application No. 42865

Henry J. Bischoff for applicant.O P I N I O N

James H. Carr and Charles A. Carr are engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued to them by this Commission.

By the application herein, filed with this Commission on November 17, 1960, applicants seek an order authorizing them to extend their highway common carrier service to permit them to carry general commodities, with exceptions, between that portion of Los Angeles County south of the Angeles National Forest, on the one hand, and, on the other hand, their present service area in Ventura and Santa Barbara Counties and places on U. S. Highway No. 101 and State Highway No. 1 as far north as San Luis Obispo, plus points on State Highway No. 118 between Somis and Chatsworth, plus points within five miles of the designated routes, plus a local service between all points served north and west of Los Angeles County.

A public hearing on the application was held before Examiner Kent C. Rogers in Oxnard on January 19, 1961. No protestants appeared.

In support of the request it is alleged that the limited area in and around the City of Los Angeles that the applicants are authorized to serve does not enable them to give their patrons as full and complete service as they request and require of applicants; that applicants cannot transport property to or from the industrial areas of El Monte, Montebello and Whittier and areas east thereof in Los Angeles County under their present certificate; that the area between Santa Barbara and San Luis Obispo via U. S. Highway No. 101 and State Highway No. 1 is within the distribution area of the suppliers of Los Angeles, Ventura and Santa Barbara Counties; that within the last few years the Lompoc and Santa Maria areas have experienced tremendous growth in industry and population; that the establishment of Vandenberg Air Force Base (northwest of Lompoc) has been a contributing factor; and that applicants' shipper-customers are seeking applicants' service in the proposed areas.

Service will be scheduled Monday through Friday, with Saturday delivery at destination on request.

Applicants are parties to a tariff bureau which publishes rates prescribed by this Commission as minimum in Minimum Rate Tariff No. 2, and will publish such rates for the extended areas.

Applicants have terminals in Los Angeles, Oxnard and Santa Barbara, with local pickup and delivery equipment and personnel, and will establish additional terminals at Lompoc and Santa Maria. Applicants have approximately 60 pieces of equipment of all types.

For the 9-month period ending September 30, 1960, applicants had a net income from operations of \$12,645.

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 highway common carrier service as hereinafter set forth. A re-stated and extended certificate will be granted in place of applicants' present operating authority which will be cancelled.

James H. Carr and Charles A. Carr 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 having been filed, a public hearing having been held and based on the evidence therein adduced,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is hereby granted to James H. Carr and Charles A. Carr,

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 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, 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 the public, applicants 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 Decision No. 52804,

dated March 19, 1956, as amended by Decision No. 53220, dated June 12, 1956, in Application No. 36430, which certificate is hereby cancelled 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 7th day of MARCH, 1961.

E. J. Fox President

George E. Brown

Frederick B. Halloff

 Commissioners

Peter E. Mitchell
Commissioner ~~S. Everett C. McKee~~ being
necessarily absent, did not participate
in the disposition of this proceeding.

James H. Carr and Charles A. Carr, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport general commodities:

- (1) Between all points and places on and within five miles of the following highways:
 - a. U. S. Highways Nos. 101 and 101 Alternate between the northwestern boundary line of Los Angeles County and San Luis Obispo, inclusive, including the off-route point of Ojai;
 - b. State Highway No. 118 between the northwestern boundary line of Los Angeles County near Chatsworth and Ventura, inclusive;
 - c. State Highway No. 126 between Ventura and Fillmore, inclusive; and
 - d. State Highway No. 1 between Las Cruces and Pismo Beach, inclusive; including the off-route point of Vandenberg Air Force Base.
- (2) Through routes and rates may be established between and all points and places specified in paragraph 1 above.
- (3) Between all points and places included in paragraph (1), on the one hand, and Los Angeles County Area as described in Appendix B, on the other hand.

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Decision No. 61513, Application No. 42865.

Applicants 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, 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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APPENDIX B TO DECISION NO. 61513

LOS ANGELES COUNTY AREA includes that area embraced by the following boundary: Beginning at the intersection of the westerly boundary of Los Angeles County with the Pacific Ocean; thence northeasterly along the boundary of Los Angeles County to its intersection with State Highway No. 118; thence easterly along State Highway No. 118 through San Fernando and its prolongation to the Angeles National Forest; thence along the southern boundary of Angeles National Forest to the eastern boundary of Los Angeles County; thence along the Eastern boundary of Los Angeles County in a southwesterly direction to the Pacific Ocean; thence along the Pacific Ocean in a westerly direction to point of beginning.