

61659

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PARKER TRUCK COMPANY, a corporation,
 for a certificate of public con-
 venience and necessity pursuant to
 Sections 1063-1064 of the California
 Public Utilities Code, authorizing
 extension of presently authorized
 service by removal of certain
 restrictions contained in Applicant's
 existing certificates.

Application No. 43016

O P I N I O N

By the application herein, filed on December 27, 1960, applicant, a highway common carrier, operating as such pursuant to authority from this Commission, seeks a certificate of public convenience and necessity authorizing it to carry general commodities, with exceptions, for all shippers or receivers rather than one "to or from wholesale or retail grocery establishments" as restricted by its present authority. The territory applicant will serve will be that served under the existing certificate (Decision No. 54581, dated February 25, 1957, in Application No. 36281, as amended by Decision No. 54907, dated April 22, 1957, in Application No. 36281).

As justification for the removal of the restriction applicant alleges that during the period since it first received its certificate of public convenience and necessity there has been a substantial growth in both the Los Angeles Territory and the San Diego Territory (presently served by applicant); that there has been a growth in balance of traffic moving between said territories;

that under applicant's present certificates it is restricted to the transportation of property to or from wholesale or retail grocery establishments; that in recent years the variety of products handled and dealt in by both wholesale and retail grocery establishments has increased substantially; that in the performance of its service to and from wholesale and retail grocery establishments applicant has had occasion to serve at some frequency persons having occasion to cause traffic to be moved between points in the area the applicant serves where the origin or destination of such traffic, as the case may be, is not a wholesale or retail grocery establishment; that applicant has had requests from persons the applicant serves under its present certificated authority to provide service between points in the areas it now serves for traffic moving to or from establishments other than wholesale or retail grocery establishments; and that from time to time and with some frequency applicant has received requests from shippers and receivers of freight moving between points the applicant is now authorized to serve and which it is unable to handle by virtue of the existing restriction.

Applicant's service is daily and it will continue to provide such service if the request is granted. It will establish rates substantially in conformity with the rates set forth in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight Tariff No. 17-A, Cal. P.U.C. No. 33 (Elmer Ahl Agent Series) W. J. Knoell, Issuing Officer.

Applicant owns and operates approximately 46 pieces of equipment. Its financial condition as of September 30, 1960, shows

total assets of \$228,650, and current liabilities and equipment obligations totalling \$87,605. For the first 9 months of 1960, it made a net profit from operations of \$9,927.

Applicant served copies of the application on known competing highway common carriers at the time he filed the application. No objections have been received by the Commission.

The Commission having considered the matter is of the opinion, and finds and concludes that public convenience and necessity require that applicant be authorized to establish and operate a highway common carrier service as hereinafter set forth. A restated certificate will be granted, for the purpose of clarification, in place of applicant's present operating authority which will be cancelled.

A public hearing is not deemed necessary.

Parker Truck Company 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 cancelled 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 made the foregoing findings, and based on said findings,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Parker Truck Company, a corporation, authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of general commodities 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, 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.

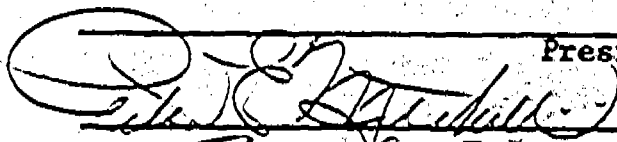

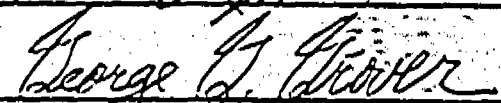

(b) Within one hundred twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. That the certificate of public convenience and necessity granted in paragraph 1 of this order replaces and supersedes the certificates of public convenience and necessity granted by

Decisions Nos. 54581 and 54907, which certificates are 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 14th day of MARCH 1, 1961.

 President


 Commissioners

Parker Truck Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between the Los Angeles Territory and the San Diego Territory (each territory as more particularly described in Appendix B attached hereto) and intermediate points via U. S. Highways Nos. 101 and 101-A; provided, however, applicant shall not render local service between any two points, both of which lie north of Oceanside.

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. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

End of Appendix A

Issued by California Public Utilities Commission.

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LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning 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 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U. S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to 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 (four 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.

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