

**ORIGINAL**Decision No. 61846

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application, )  
 of JAMES L. CEASE, an individual, )  
 doing business as KERN VALLEY )  
 TRANSFER, for a certificate of )  
 public convenience and necessity )  
 to operate an automobile truck )  
 service as a highway common car- )  
 rier for the transportation of )  
 general commodities, with certain )  
 exceptions, between Los Angeles )  
 Territory, on one hand, and )  
 Fresno, Rosamond and intermediate )  
 points, on the other hand. )

Application No. 42507

Turcotte and Goldsmith, by Jack O. Goldsmith,  
 for applicant.

Herman Lewis, for Auto Purchasing Agency,  
 protestant.

Glanz, Russell and Schureman, by R. Y. Schureman,  
 for Desert Express and Victorville Barstow  
 Truck Line; and Roland S. Woodruff, for H. J.  
 Johnson, dba Kernville Stage and Freight Lines,  
 interested parties.

O P I N I O N

This application was filed on July 21, 1960. Public hear-  
 ings were held before Examiner John Power at Los Angeles on  
 January 6, 1961 and at Bakersfield on February 2, 1961. After the  
 latter hearing the matter was submitted.

Hitherto a permitted carrier, applicant seeks a certificate  
 to serve between Los Angeles territory and Fresno along: (a) U. S.  
 Highway No. 99; (b) along U. S. Highway 99, State Highways Nos. 65,  
 198, 63 and unnumbered County road to State Highway No. 180, thence  
 to Fresno along 180. Also from the intersection of State Highways  
 Nos. 65 and 198 via 198 to State Highway No. 41 and thence to Fresno  
 via 41. Originally applicant requested rights to some other points

but withdrew these routes, thus eliminating three of four protesting companies. The three then changed their original protests to appearances as interested parties. The fourth, Auto Purchasing Agency, continued its protest which was entered at the Bakersfield hearing. This carrier has authority to serve Taft, Gorman and Wasco and points intermediate to the latter two towns. Such authority is limited to the transportation of automobile parts and accessories, diesel engines and agricultural implements and parts. The representative of Auto Purchasing Agency cross-examined some of applicant's witnesses. From two of them he elicited a statement that protestant's service is not deficient. This protest involves only a small portion of the authority sought.

Applicant presented two operating and 17 public witnesses. Twelve additional public witnesses were proffered but were excluded by the presiding examiner when it appeared that (a) the evidence was becoming cumulative and (b) many of the requested points were beyond the service area of protestant, Auto Purchasing Agency.

The testimony of the public witnesses covered a broad geographical area and a wide range of commodities. Apparently many were attracted to this service by early morning and Saturday delivery. Another much admired feature was applicant's success in making off-highway deliveries. All supported the application and testified that they would use the applicant's service. They believed that their organizations would benefit by a grant of the requested certificate.

The Commission finds and concludes that public convenience and necessity require that the application, as amended, be granted.

Applicant has a leased terminal at Los Angeles, an owned one at Bakersfield and leases dock space at Fresno. His finances are adequate. His personnel and equipment are sufficient for the purposes of the application.

Applicant 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

An application having been filed, public hearings 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, granted to James L. Chase authorizing him 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 Appendices A and 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 he will be required, among other things, to file annual reports of his 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, 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 18<sup>th</sup> day of April, 1961.

*[Handwritten Signature]*  
 \_\_\_\_\_  
 President

*[Handwritten Signature]*  
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 Commissioners

C. Lyn Fox  
 Commissioner Frederick B. Koloboff, being necessarily absent, did not participate in the disposition of this proceeding.

James L. Chase, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between points in the Los Angeles Territory as described in Appendix B attached hereto, on the one hand, and, on the other hand, all points and places on and within ten miles laterally of the following named highways:

1. U. S. Highway 99 between San Fernando and Fresno, inclusive.
2. State Highway 65 between junctions with U.S. Highway 99 near Bakersfield and State Highway 198 near Exeter, inclusive.
3. State Highway 198 between junctions with State Highway 65 near Exeter and State Highway 41 near Lemoore, inclusive.
4. State Highway 41 between junction with State Highway 198 near Lemoore and Fresno, inclusive.
5. State Highway 63 between Visalia and Oroshi, inclusive.
6. Unnumbered highways known as Palm Avenue, Sumner Avenue and Valley Road between Oroshi and junction of Valley Road and State Highway 180, inclusive, via Orange Cove.
7. State Highway 180 between its junction with unnumbered highway known as Valley Road and Fresno, inclusive.

Through routes and rates may be established between any and all points specified in subparagraphs 1 through 7 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 refrigerated 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. 61846

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 Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of 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 Telegraph Road; westerly on Telegraph Road 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.