

ORIGINAL

Decision No. 62131

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WILLIAM H. MEEK, JR., an individual,
doing business as McDERMOTT TRUCKING,
for a certificate of public convenience
and necessity to operate as a highway
common carrier.

Application No. 43336

O P I N I O N

William H. Meek, Jr., doing business as McDermott Trucking, requests authority to operate as a highway common carrier for the transportation of rice, barley, safflower, wheat, animal and poultry feed, and fertilizer, in bulk, to, from and between points within an area bounded by Santa Rosa, Vallejo, Red Bluff, and Chico, on the north, and Gilroy, Hayward, Tracy, and Fresno, on the south.

Applicant is presently engaged in the transportation of the above-named commodities as a permitted carrier. He proposes a daily "on-call" service except Sundays and holidays. The proposed rates would be the same as those prescribed in Minimum Rate Tariff No. 2. Applicant owns and operates thirty-five pieces of equipment and maintains his office and terminals at Knights Landing, California.

Applicant alleges that because of the increasing demands of shippers, the frequency and number of shipments handled under his permits have been increasing; that the authority requested would result in a better service to shippers and insure continued service by applicant to such shippers regardless of the increased frequency and number of shipments transported; and that there would be no diversion from other carriers because the proposed service is restricted to the transportation of limited commodities in bulk. ✓

Copies of the application were served upon certificated carriers serving in the proposed area. No protest has been received. The Commission is in receipt of a letter dated May 4, 1961, from an attorney representing many of such certificated carriers advising the Commission that his clients do not desire to enter protest in this matter.

After consideration the Commission finds and concludes that public convenience and necessity require the granting of the application. A public hearing is not necessary.

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

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is granted to William H. Meck, Jr., an individual, 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 more particularly set forth in Appendix A attached hereto and hereby 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-B. 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-B, 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 15th day of June, 1961.

Robert A. Ray
President
John E. Doherty
George H. Hoover
Fredrick B. Holmberg
Commissioners

William H. Meek, Jr., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport rice, barley, safflower, wheat, animal and poultry feed, and fertilizer, in bulk, between all points and places on, along, and within 25 miles laterally of the following routes:

1. U. S. Highway 101 between Santa Rosa and Gilroy.
2. U. S. Highway 99 West between Red Bluff and Sacramento.
3. U. S. Highway 99 East between Chico and Sacramento.
4. U. S. Highway 99 between Sacramento and Fresno.
5. U. S. Highway 40 between San Francisco and Sacramento.
6. U. S. Highway 50 between San Francisco and Stockton.
7. State Highway 4 between Pinole and Stockton.
8. State Highway 24 between Oakland and Sacramento.
9. State Highway 12 between Fairfield and Lodi.
10. Unnumbered highway between Concord and Byron.

End of Appendix A

Issued by California Public Utilities Commission.

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