

62199

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

JACK A. CRONSHAW, an individual doing
business as MERCURY FREIGHT LINES,
for an in lieu certificate of public
convenience and necessity as a highway
common carrier of general commodities,
with some exceptions, between points
and places in a portion of the Basin
Territory, pursuant to Sections 1063-
1064 of the California Public Utilities
Code.

Application No. 43123

(Filed February 2, 1961)

Glanz, Russell & Schureman, by Theodore Russell,
for applicant.

Graham, James & Rolph, by Boris Lakusta and Leo J.
Vander Lans, for California Motor Express, Ltd.
and California Motor Transport Co., Delta Lines,
Di Salvo Trucking Co., Fortier Transportation Co.,
Interlines Motor Express, Merchants Express of
California, Nielsen Freight Lines, Oregon-Nevada-
California Fast Freight and Southern California
Freight Lines, Pacific Motor Trucking Co.,
Shippers Express, Peters Truck Lines, Sterling
Transit Co., Inc., Valley Express Co. and
Valley Motor Lines, Inc., Willig Freight Lines,
California Cartage Company, and Boulevard
Transportation Company, Protestants.

O P I N I O N

This application was heard before Examiner Robert D.
De Wolf at Los Angeles, California, on March 23 and April 25, 1961,
and was submitted on April 25, 1961. Copies of the application
and the notice of hearing were served in accordance with the
Commission's procedural rules. The protestants who offered

testimony at the hearing are: California Cartage Company, Pacific Motor Trucking Company, Southern California Freight Lines and Oregon-Nevada-California Fast Freight.

Applicant is a highway common carrier presently transporting general commodities, with the usual exceptions, pursuant to Decision No. 54300, dated December 18, 1956, in Los Angeles County. The application, filed February 2, 1961, requests authorization to extend such highway common carrier operations so as to transport general commodities between points in the expanded territory in and easterly of Los Angeles County described as the Los Angeles Basin Region. Applicant proposes to provide a regular daily on-call service except Sundays and holidays between points in the Los Angeles Basin Region and to establish and publish rates substantially in conformity with the existing Western Motor Tariff Bureau, Inc., Local, Joint and Proportional Freight Tariff No. 17-A, Cal. P.U.C. No. 33.

The industrial and residential growth, in the portion of the Los Angeles Basin Region extending east from Los Angeles County, in Orange, Riverside and San Bernardino Counties has caused applicant's shippers to request service into this area. The applicant will use the same equipment in this area and he possesses the experience, equipment, personnel, and financial resources to institute and maintain the operations authorized.

Ten shipper witnesses testified that they have been using the applicant's service for long periods of time and have been very well satisfied, and that applicant has been giving service not obtainable elsewhere for hauling lightweight commodities such as lamp shades and ladders. The expanding business in the added

territory of the Los Angeles Basin has caused them to request applicant to furnish the extended service. This additional service will reduce the shippers' dock congestion, reduce billing costs, increase efficiency, provide skilled personnel and, in general, improve the service.

The record herein shows that protesting carriers operating in this area possess the experience, equipment, personnel, and financial resources to carry the additional freight traffic in the area and recently have had a slight decrease in volume of freight traffic. The protestants' claim, that dilution of the traffic will result from any increase and expansion of authority and that this will cause an increase in the cost of operation, has not been established by the evidence.

Findings and Conclusions

Upon consideration of the evidence the Commission finds and concludes as follows:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed service.

2. Public convenience and necessity require that the application be granted as set forth in the ensuing order.

Jack A. Cronshaw 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

Public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be and it is granted to Jack A. Cronshaw authorizing him to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of property 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-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.

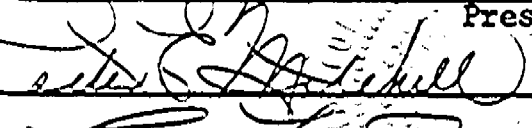
- (b) Within one hundred twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

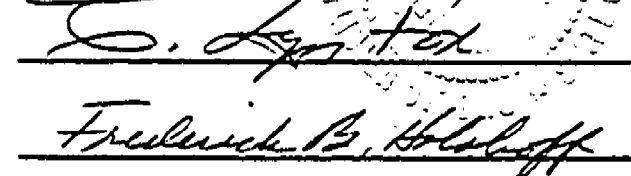
3. That the certificate of public convenience and necessity granted in paragraph 1. of this order supersedes the certificate of public convenience and necessity granted by Decision No. 54300, dated December 18, 1956, which certificate is hereby revoked, said revocation to become effective concurrently with the effective date of 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 27th day of June, 1961.



President


L. J. Fox


Frederick B. Hollhoff

Commissioners

Jack A. Cronshaw, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places in the Los Angeles Basin Region as described in Appendix B attached hereto. Applicant shall not transport any shipments of:

1. Use 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 protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
5. Liquids, commodities in semiplastic 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

Issued by California Public Utilities Commission.

Decision No. 62199, Application No. 43123.

Between points in the following described territory
sometimes called the "Los Angeles Basin Region" as follows:

LOS ANGELES BASIN REGION includes all points and places within the following boundary: Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundaries of said City to its point of first intersection with the southerly boundary of Angeles National Forest, thence along the southerly boundary of Angeles and San Bernardino National Forests to the point of intersection of said southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County Line, thence in a southerly and westerly direction along said County boundary to a point thereon distant 5 miles east of the intersection of said county boundary and U. S. Highway 91, thence generally southerly and southwesterly along a line generally paralleling and distant 5 miles from U. S. Highway 91, State Highway 55, U. S. Highway 101, Laguna Canyon Road, and the prolongation thereof to the Pacific Ocean, thence along the coastline of the Pacific Ocean to the point of beginning.

Issued by California Public Utilities Commission

Decision No. 62139, Application No. 43123