

**ORIGINAL**

Decision No. 62554

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
BASIN TRUCK LINE, INC., a corporation,  
for a certificate of public conven-  
ience and necessity to operate as a  
highway common carrier for the trans-  
portation of property.

)  
Application No. 43089

Donald Murchison, for the applicant.  
Graham James & Rolph, by Boris H. Lakusta and  
Leo J. Vander Lans, for the protestants.

O P I N I O N

This application was heard before Examiner Kent C. Rogers in Los Angeles, California, on June 5 and 6, 1961, and was submitted on June 6, 1961. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. The protestants are Boulevard Transportation Company, California Motor Express, Ltd., California Motor Transport, Ltd., Delta Lines, Inc., California Cartage Company, Merchants Express of California, Oregon-Nevada-California Fast Freight, Southern California Freight Lines, and Pacific Motor Trucking Company.

Applicant is a highway permitted carrier engaged in the transportation of general commodities. It requests authority to transport general commodities, with exceptions, to, from, and between all points in the Los Angeles Basin Territory.

Applicant will assess the rates and charges specified in Minimum Rate Tariff No. 2. The service will be on call but will

be conducted daily between two or more of the points. There will be no service on Sundays and holidays. Deliveries will be made on Saturdays.

Applicant will provide a same-day delivery service for shipments picked up by 10:30 a.m. to points in and around the Los Angeles Basin Territory, and by 2:00 p.m. in and around the City of Los Angeles.

Applicant has approximately 32 pieces of equipment including 14 trucks, nine tractors and nine semitrailers. Five of the trucks and six of the semitrailers are mechanically refrigerated. It has a 3½-acre leased yard in Vernon on which it has an office, a shop, and a 100 ft. by 95 ft. dock with space for 10 trucks. It has 16 employees, including 12 regular drivers, and excluding the two stockholder officers.

The applicant is requesting the certificate for the reasons that it has operated between the points proposed to be served for many years as a permitted carrier; that subsequent to the issuance of its permits it has received numerous requests from various other shippers having movements of general commodities to, from, and between the points and places located in the proposed service area; that during the past five years there has been an ever-increasing demand upon it for the service proposed to be effected; that during the past few years, and since the issuance of the original authority to it, there has been a substantial increase in population and industry in the points and places presently served and proposed to be served. In addition, the applicant alleges it started with one contract, its business has grown until the applicant has 25 contracts, and it is apprehensive

that it will get a cease and desist order from this Commission if it continues to operate under its present authority.

For the years 1959 and prior thereto, applicant has a total loss from operations of \$3,417.45 (Exhibit No. 6). During the calendar year 1960 applicant made a net profit from operations of \$5,653.02 (Exhibit No. 5).

At the end of the year 1960 applicant had about 25 customers, of which 10 had been with the company since 1955. Approximately one half of the customers deal in frozen foods.

Applicant called 11 witnesses. These witnesses represented shippers of various commodities including frozen foods and hardware. All are using the applicant for their transportation and desire that the service be continued. In each instance the witness used and needed the same-day service provided by the applicant, and the majority use other carriers and are familiar with the services of such carriers.

Protestants' representatives pointed out that applicant's witnesses use their services under contracts and are pleased therewith and will continue to use them if the request for the certificate is denied.

The record herein shows that the applicant is providing a necessary and specialized service for approximately 25 customers who receive, when they need it, same-day delivery service. They are satisfied with the applicant's services which they are receiving, want such services continued and will use them if a certificate is granted.

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.

Basin Truck Line, Inc., 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 Basin Truck Line, Inc., a corporation, authorizing it 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 Appendices A and B 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 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-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 12th day of September, 1961.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners

Basin Truck Line, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities to, from and between all points in the Los Angeles Basin Territory as described in Appendix B attached hereto. 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.
7. Logs.

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LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

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