

ORIGINAL

Decision No. 62669

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 IRISH TRUCK LINES, INC., a California)
 corporation, for an expansion and re-)
 statement of its certificate of pub-)
 lic convenience and necessity to)
 operate as a highway common carrier,)
 and the issuance of an in lieu cer-)
 tificate of public convenience and)
 necessity.)

Application No. 43276
(Filed March 29, 1961)

Milton W. Flack and Joseph L. Altgen, for applicant.
Graham James & Rolph, by Raymond A. Greene, Jr., for
 Boulevard Transportation Co., California Cartage
 Company, California Motor Express, Ltd., and
 California Motor Transport Company, Ltd.,
 Constructors Transport Company, Delta Lines, Inc.,
 Merchants Express of California, Southern
 California Freight Lines, Pacific Motor Trucking
 Company, Shippers Express, Sterling Transit
 Company, Inc., Valley Express Co. and Valley
 Motor Lines, Inc., and Willig Freight Lines,
 protestants.

O P I N I O N

This application was heard before Examiner Mark V. Chiesa at Los Angeles on June 21 and 30, 1961, on which date it was submitted. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. The protestants are as listed in the appearances hereinabove.

Applicant is at present authorized to operate as a certificated highway common carrier, radial highway common carrier, highway contract carrier and city carrier. Applicant acquired its highway common carrier rights in December of 1960 from William W. Hughes (Decision No. 61238) who had been granted the authority in July and October

of 1957 (Decisions Nos. 55253 and 55638). The operation is limited to named commodities between, generally, (1) Los Angeles and Vernon, on the one hand, and a described Los Angeles Basin area, on the other hand, and (2) Los Angeles and Vernon, on the one hand, and the San Diego Territory and intermediate points along U. S. Highways Nos. 101 and 101 Alternate, on the other hand.

By this application authority is sought to transport general commodities, subject to the usual exceptions, (1) between all points within the Los Angeles Basin Territory, and (2) between all points within the Los Angeles Basin Territory and all points within the San Diego Territory and intermediate points along U. S. Highways Nos. 101 and 101 Alternate, including points and places within ten lateral miles of said highways.

Applicant's principal place of business is at 2181 East 14th Street, Los Angeles, where it maintains an office, dock, garage, and fuel pump. It employs 14 persons of whom 12 are truck drivers, and operates seven stake trucks, four van-type trucks, two tractors and four trailers. Its financial condition as of May 31, 1961, was as follows:

Total Assets	\$57,929.39	
Total Liabilities	<u>35,576.74</u>	
Net Worth		\$22,352.65
Represented by		
Capital Stock Outstanding	\$20,409.00	
Surplus	<u>1,943.65</u>	22,352.65

For the first four months of 1961 the business shows a net profit of \$1,856.80.

Applicant called seven shipper witnesses to testify in support of its request for a general commodity certificate and an

extension of its operating area. Four of the shippers are located in Los Angeles. Of these, three are in the electrical supplies, fixtures or transformers businesses and one deals in wood shop supplies; one is located in Vernon and sells floor mops (a commodity now authorized) and paper twine, cording and tubing; and two have businesses in El Monte, one deals in grills and registers for air conditioning, the other in varnish, wax, cleaners, and protective coatings, some of which products are in the list of commodities which applicant is now authorized to transport. All of the witnesses testified that they have some customers that are located in the Los Angeles Basin area to whom they ship more or less regularly, and that they have need for a service such as applicant is proposing.

The protestants that presented evidence of their operating authority, facilities, and services were Southern California Freight Lines, Merchants Express of California, and California Cartage Company. It is their position that public convenience and necessity does not require the certification of another general commodity carrier between points and places in the Los Angeles Basin area or between such points and places and points and places in the San Diego Territory as they can and will provide an adequate and convenient service to the shippers supporting this application; that many other certificated carriers have authority to provide such service; that the certification of additional carriers of general commodities is adverse to the public interest, would deplete revenues of existing operators, and result in a poorer over-all service and higher rates. Evidence presented by the three named protestants shows that they are qualified, able and willing to transport the merchandise of the

shippers supporting the application, as well as other general commodities for other shippers in the areas proposed herein.

We find that there is a lack of substantial evidence to justify the granting of a general commodity certificate of public convenience and necessity to the applicant as requested. However, we find and conclude that public convenience and necessity require that applicant be authorized to carry as a highway common carrier commodities which it is now authorized to carry under the existing certificated authority, together with certain additional items, all as more particularly set forth in the order herein. We further find and conclude that applicant possesses the experience, equipment, personnel and financial resources necessary to institute and maintain the service authorized herein.

The application will be granted in part and denied in part.

For the purpose of clarifying applicant's operating authority it will be issued a certificate which will supersede the certificate it now possesses.

Irish Truck Lines, 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

An application having been filed, a public hearing having been held and based on the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity be, and it is, hereby granted to Irish Truck Lines, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined by 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 made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

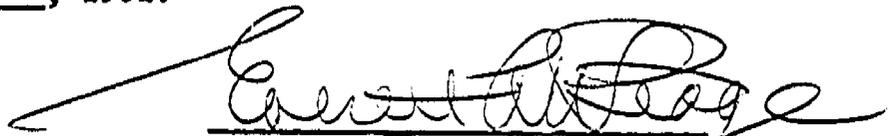
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order supersedes the certificate granted by Decision No. 55253, as amended by Decisions Nos. 55638 and 61238, which certificate is hereby revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

4. Except as provided in paragraph 1 above, Application No. 43276 is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of OCTOBER, 1961.



President

Fredrick B. Halblaff

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Irish Truck Lines, Inc., by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the following commodities:

1. ABRASIVES, as listed under that heading in Items Nos. 2000 through 2070 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
2. BROOMS, BRUSHES OR MOPS, OR PARTS NAMED, as listed under that heading in Items Nos. 15545 through 15750 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
3. FERTILIZERS, as listed under that heading in Items Nos. 535, 540-A and 550-A of Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal. P.U.C. No. 193, J. P. Haynes, Agent, on the issue date thereof and Supplement No. 66 thereto, M. A. Nelson, Tariff Publishing Officer.
4. INSECTICIDES OR FUNGICIDES, AGRICULTURAL, as listed under that heading in Items Nos. 52960 through 53110 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
5. PAINTS, PAINT MATERIAL OR PUTTY, as listed under that heading in Items Nos. 74750 through 75200 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
6. PETROLEUM OR PETROLEUM PRODUCTS, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, IN PACKAGES, as listed under that heading in Items Nos. 77230 through 77340 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
7. PLASTIC MATERIALS, SYNTHETIC, AND RELATED ARTICLES, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, as listed under that heading in Items Nos. 77655 through 77831 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.

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8. RUBBER, ARTIFICIAL, GUAYULE, NATURAL, NEOPRENE OR SYNTHETIC, as listed under that heading in Items Nos. 84150 through 84490 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
9. INSECTICIDES, INSECT REPELLENTS OR VERMIN EXTERMINATORS, OTHER THAN AGRICULTURAL INSECTICIDES, as listed under that heading in Items Nos. 53125 through 53142 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
10. ELECTRICAL APPLIANCES OR EQUIPMENT OR PARTS, as listed under that heading in Items Nos. 34040 through 35405 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
11. CORDAGE OR TWINE, as listed under that heading in Item No. 30790 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
12. REGISTERS OR DIFFUSERS, AIR, as listed under that heading in Items Nos. 12875 through 12910 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
13. BUFFING OR POLISHING COMPOUNDS, as listed under that heading in Item No. 15850 of Western Classification No. 77, J. P. Hackler, Agent, on the issue date thereof.
14. MISCELLANEOUS COMMODITIES, VIZ.,
Alcohol, in drums
Buffing or polishing compounds
Cement, rubber
Cleaning, scouring or washing compounds
Deodorants or disinfectants
Naphtha
Paste, adhesive
Sizing
Shaving cream
Soap
Sprayers
Electric polishing machines
Protective and maintenance coatings or chemicals,
such as floor varnishes or wax
Woodshop supplies

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Appendix A

IRISH TRUCK LINES, INC.
(a corporation)

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Between:

- A. All points and places within the Los Angeles Basin Area described in Appendix B attached hereto and made a part hereof.
- B. All points and places within the Los Angeles Basin Area described in said Appendix B hereof, on the one hand, and all points and places in the San Diego Territory, also described in said Appendix B, including intermediate points and places along U. S. Highways Nos. 101 and 101-A and laterally five miles on either side of said highways, on the other hand.

End of Appendix A

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APPENDIX B TO DECISION NO. 62669

1. LOS ANGELES BASIN AREA 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 U. S. Highway No. 395; southerly along U. S. Highway No. 395 to Alessandro; westerly along unnamed county road to Arlington; southwestly along State Highway No. 18 to U. S. Highway No. 91; westerly along U. S. Highway No. 91 to State Highway No. 55; southerly along State Highway No. 55 to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to point of beginning.

Included within the territory immediately above described are all places within the corporate limits of any city which is bisected by the State and U. S. highways and county roads constituting the boundary of such territory between Yucaipa and Newport Beach.

2. SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways Nos. 101-E and 101-W (four miles north of La Jolla); thence easterly to Miramar on U. S. 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.