

Decision No. 62773**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 LADS FURNITURE FREIGHT, INC., a  
 corporation, for an in lieu certificate  
 of public convenience and necessity as  
 a highway common carrier of various  
 uncrated special commodities, between  
 points in the Los Angeles Basin Area,  
 and between points in said Area, on the  
 one hand, and on the other, various  
 points in California, pursuant to  
 Sections 1063-1064 of the Public Utilities  
 Code.

Application No. 43399  
 (Filed May 15, 1961)

R. Y. Schureman, for applicant.  
Arthur Glanz, for California Motor  
 Express and Shippers Express,  
 protestants.  
R. C. Fels, for Furniture Association  
 of California, interested party.

O P I N I O N

This application was heard before Examiner Rowe at Los Angeles on August 17 and September 18, 1961, and was submitted on the latter date. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. At the hearing on September 18, 1961, protestants stated that they were withdrawing their protest and that they would not introduce any evidence.

Applicant is a highway common carrier presently transporting new household, office and store furniture and fixtures loose, not in boxes, crates or cartons, and uncrated new household, office and store appliances, between various points and places in California, pursuant to a certificate of public convenience and necessity issued by Decision No. 61029, dated November 7, 1960, in Application No. 42078. It serves all points and places in the Los Angeles Basin

Area; between said area and Barstow, El Centro and the San Diego Territory, including intermediate and off-route points; and between points in said area and the Cities of Santa Rosa and Sacramento, including intermediate and off-route points as well as points between the Bay Area and Sacramento.

Applicant now seeks to extend its service to include Redding, serving intermediate and off-route points along U. S. Highways 99, 99-E and 99-W. This is the only territorial expansion involved in the request and this service will be limited to shipments originating in or destined to the Los Angeles Basin Area and points south and east thereof.

Applicant provides what is known as a blanket-wrapped service. Articles transported in this manner are alleged to be susceptible to damage and misrouting if the highest degree of care is not exercised. The shippers who utilize this blanket-wrapped service are said to have come to demand and use the services of one carrier who has justified this confidence. In addition to extending the territory applicant seeks authority to add mattresses, sofa beds and couches, in cartons, containers and bags to its commodity list. It is sought to include these items so wrapped, because of the practice of applicant's shippers to package these items in this manner.

The testimony as to the need for the additional service was given by the president of applicant, by the representative of a large mattress manufacturer, the representative of a furniture manufacturer, a retail furniture dealer and by the regional traffic manager of Sears and a resolution adopted by the Furniture Manufacturer's Association.

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.

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

A public hearing having been held in the above-entitled matter and based upon the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Lads Furniture Freight, Inc., a corporation, authorizing the transportation of property as a highway common carrier, as defined by Section 213 of the Public Utilities Code, between the points and over the routes as set forth in Appendix A 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 to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. Appendix A of Decision No. 61029 is amended by substituting First Revised Pages 1, 2 and 3, attached hereto, in revision of Original Pages 1, 2 and 3.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 7th day of November, 1961.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioners

Frederick B. Holoboff  
Commissioner....., being  
necessarily absent, did not participate  
in the disposition of this proceeding.

Lads Furniture Freight, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport new household, office and store furniture and fixtures loose, not in boxes, crates or cartons; uncrated new household, office and store appliances; and mattresses, box springs, sofa beds and couches in containers, cartons and bags, between the points and places, and over the routes specified, including intermediate points as well as all off-route points hereinafter named, as follows:

- A. BETWEEN ALL POINTS IN THE LOS ANGELES BASIN AREA described as follows (See Restrictions in Paragraph D hereof):

Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundary 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 the 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 line and State Highway 18, thence generally southerly, southwesterly and southeasterly, along a line generally paralleling and distant 5 miles from State Highway 18, State Highway 55 and U.S. Highway 101 to its intersection with an imaginary prolongation of the southerly city limits of San Clemente, thence westerly along said imaginary line to the Pacific Ocean, thence northerly and westerly along the coast line of said Pacific Ocean to the point of beginning.

- B. BETWEEN ALL POINTS IN THE LOS ANGELES BASIN AREA AND THE FOLLOWING DESCRIBED CITIES AND TERRITORY, WITH SERVICE TO, FROM AND BETWEEN SAID TERMINI, INTERMEDIATE AND OFF-ROUTE POINTS (See Restrictions in paragraph D hereof):

Issued by California Public Utilities Commission.

Decision No. 62773, Application No. 43399.

1. The City of Barstow, serving all intermediate and off-route points within a lateral of 15 miles of U.S. Highway 66 between the Los Angeles Basin Area and Barstow, and the additional off-route points of Lancaster and Palmdale.
  2. The City of El Centro, serving all intermediate and off-route points within a lateral of 20 miles of U.S. Highways 60 and 99 between the Los Angeles Basin Area and El Centro.
  3. The San Diego Territory as described in paragraph B4 hereof, serving all intermediate and off-route points within a lateral of 15 miles of U.S. Highway 101 between said areas.
  4. The San Diego Territory includes that area as embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101E and 101W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway 80; thence southeasterly to Jamul on State Highway 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to the point of beginning.
- C. BETWEEN ALL POINTS IN THE LOS ANGELES BASIN AREA AS DESCRIBED IN PARAGRAPH A HEREOF ON THE ONE HAND, AND ON THE OTHER, THE FOLLOWING POINTS (See Restrictions in paragraph D hereof);
1. The City of Santa Rosa, serving all intermediate and off-route points within a lateral of 15 miles of U.S. Highways 101, 101 Alternate and 101 Bypass, between the Los Angeles Basin Area and Santa Rosa.
  2. The City of Redding, serving all intermediate and off-route points within a lateral of 15 miles of U.S. Highways 99, 99E and 99W, between the Los Angeles Basin Area and Redding.
  3. Intermediate and off-route points within a lateral of 15 miles of U.S. Highways 40 and 50 and State Highway 24, between U.S. Highways 101 and 99.

Issued by California Public Utilities Commission.

Decision No. 62773, Application No. 43399.

D. RESTRICTION AGAINST LOCAL SERVICE:

1. Applicant shall not provide any local service between points located west of the western boundary of Los Angeles County or north of the northern boundaries of Los Angeles and San Bernardino Counties.
2. Local service is defined as service between any two points, both of which are located in the area to the west of Los Angeles County or to the north of Los Angeles and San Bernardino Counties.
3. Applicant may establish through routes and rates between all points and territories except as restricted herein.

End of Appendix A

Issued by California Public Utilities Commission.  
Decision No. 62773, Application No. 43399.