

**ORIGINAL**Decision No. 62834

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 HASLETT WAREHOUSE COMPANY, a corporation,  
 for removal of a restriction from, and  
 restatement of, its certificate of  
 public convenience and necessity to  
 operate as a highway common carrier.

Application No. 43259  
 (Filed March 28, 1961)

Handler, Baker and Mastoris by Marvin Handler,  
 for applicant.  
 Graham, James and Rolph by Boris H. Lakusta,  
 for California Motor Express, Ltd.,  
 California Motor Transport Co., Ltd.,  
 Constructors Transport Company, Delta Lines,  
 Inc., Di Salvo Trucking Company, Garden City  
 Transportation Company, Interlines Motor  
 Express, Merchants Express of California,  
 Oregon-Nevada-California Fast Freight,  
 Southern California Freight Lines, Pacific  
 Motor Trucking Company, Shippers Express,  
 Valley Express Co., Valley Motor Lines, Inc.,  
 and Willig Freight Lines, protestants.

O P I N I O N

This application was heard before Examiner John Power on July 13 and 27, 1961 and was submitted on the latter date. Copies of the application and notice of hearing were served in accordance with the Commission's procedural rules.

Applicant is a highway common carrier presently transporting general commodities in two defined areas. In Territory A its rights are unlimited. It is bounded by San Francisco, U. S. Highway 40, Sacramento, U. S. Highway 99, Turlock, U. S. Highway 50, San Jose and San Francisco. Because of numerous indicated routes and lateral rights applicant can serve almost any point in this area.

Applicant's Territory B encompasses a number of salients extending out from Territory A. One extends south from Turlock to Fresno. Another goes south from San Jose to Monterey Bay points.

A third curls around the San Francisco Bay to Vallejo with an offshoot to Napa. The fourth, in the Sacramento Valley, is bounded by Woodland, Marysville and Roseville. At present shipments into and out of Territory B must be to or from points in Territory A. It is this restriction that the application seeks to lift. No expansion of territory or commodities is requested.

Applicant's vice-president testified in support of the application. It appears from a survey conducted by applicant that many firms, though interested in applicant's service, did not want a service limited as this one is. They stated that they would withhold not only affected lading, but all lading from a carrier so restricted. As a result applicant has had difficulty in establishing a full and complete service in its own equipment. Its present arrangements are not satisfactory to it and reduce the quality of service to the public.

A number of competing operators appeared and protested the application. They presented evidence relative to their own equipment, terminals and services.

The Commission finds that public convenience and necessity require that the restriction complained of be removed. This purpose will be accomplished by revoking the present certificate and granting a new one.

Haslett Warehouse Company 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:

1. That a certificate of public convenience and necessity be and it is granted to Haslett Warehouse Company, 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 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 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. 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. 60655, August 30, 1960, 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.

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

Dated at San Francisco, California, this 21st day of NOVEMBER, 1961.

*Robert C. [Signature]*  
President

*[Signature]*

*[Signature]*

*[Signature]*

Commissioners

Haslett Warehouse Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities:

- A. Between all points and places over and along and within 10 miles laterally of the following described highways:
- (1) U. S. Highway No. 40 between San Francisco and Roseville, including all points within 20 miles of the city limits of Sacramento.
  - (2) U. S. Highway No. 50 between San Francisco and Stockton.
  - (3) State Highway No. 24 between Oakland and Sacramento.
  - (4) U. S. Highways Nos. 50 and 99 between Sacramento and Stockton, including all points within 20 miles of the city limits of Stockton.
  - (5) U. S. Highway No. 99 between Stockton and Fresno.
  - (6) State Highway No. 4 between Hercules and Stockton.
  - (7) U. S. Highways Nos. 101 and 101 By-Pass between Novato and Salinas.
  - (8) State Highway 21 between junction State Highway No. 4 near Pacheco and junction State Highway No. 17 near Warm Springs.
  - (9) State Highway No. 9 between Hayward and Saratoga.
  - (10) State Highway No. 17 between Oakland and Santa Cruz.
  - (11) State Highway No. 33 between junction U. S. Highway No. 50 near Tracy and Mendota.
  - (12) State Highway No. 180 between Mendota and Fresno.
  - (13) Unnumbered highway between Salinas and Monterey.
  - (14) State Highway No. 1 between Santa Cruz and Monterey.
  - (15) State Highway No. 29 between Vallejo and Napa.

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- (16) State Highways Nos. 37 and 48 between junction U. S. Highway No. 101 near Ignacio and Vallejo.
- (17) U. S. Highway No. 40 Alternate between Woodland and Marysville.
- (18) State Highway No. 16 between Woodland and Sacramento.
- (19) U. S. Highway No. 99-E between Roseville and Marysville.

Through routes and rates may be established between any and all points specified in subparagraphs (1) through (19) above.

- B. For operating convenience only, applicant may make use of any street, road, highway, ferry, or toll bridge necessary or convenient for the purpose of performing the service herein authorized.

Haslett Warehouse Company shall not transport any shipments of the following:

- (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) 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.
- (3) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
- (4) Liquids, compressed gases, 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.

End of Appendix A

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