

ORIGINAL

Decision No. 62895

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MILTON C. AMUNDSON, doing business)
as MILTON'S EXPRESS, a sole)
proprietorship, for an In Lieu)
Certificate of Public Convenience)
and Necessity to operate as a)
Highway Common Carrier for the)
transportation of property, and)
to extend his present Certificate)
of Public Convenience and Necessity.)

Application No. 43403
(Filed May 11, 1961)

Donald Murchison, for applicant.
Arthur H. Glanz, for California Motor Express, Ltd.,
Desert Express, Constructors Transport Co.,
Merchants Express of California, Oregon-Nevada-
California Fast Freight, Southern California
Freight Lines, Shippers Express Company,
Sterling Transit Company, Valley Motor Lines, Inc.,
and Valley Express Co., protestants, later as
interested parties.

O P I N I O N

This application was heard before Examiner Power at Los Angeles on August 10 and September 13, 1961. It was submitted on the latter date subject to the filing of two late-filed exhibits. These were received on September 21. Copies of the application and notice of hearing were served in accordance with the Commission's procedural rules. At first a group of carriers protested. When the applicant stipulated that certain commodities would be excluded from the requested authority, these protestants changed their appearance to that of interested parties. They presented no evidence.

Applicant's certificate presently authorizes transportation of commodities requiring refrigeration within the Los Angeles Territory; also, between that area and Santa Barbara, Bakersfield, ✓

Lancaster, San Bernardino, Riverside and San Diego. Applicant has intermediate and lateral rights. It seeks to enlarge these to include the Los Angeles Basin Territory and Imperial Valley.

Applicant presented both operating and shipper witness testimony. The public witnesses were from the food industry. Many used applicant's present common carrier service and a large number also employed its contract service into the area for which authority is here requested. A large group of shippers desired the proposed service.

The stipulation referred to above does not affect any food product and accordingly is not in conflict with the requirements of any public witness.

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.

Milton C. Amundson, doing business as Milton's Express, 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, public hearings having been held and based upon the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity be and it is granted to Milton C. Amundson, authorizing him 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, B, C and D attached hereto and hereby 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 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. 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. 59405, dated December 15, 1959, 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 Los Angeles, California, this ✓ 14 day of December, 1961.

[Signature]
President

[Signature]

[Signature]

Commissioners

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

Milton C. Amundson, by the certificate of public convenience and necessity granted in the decision noted in the margin is authorized to transport:

(a) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed equipment.

(b) BETWEEN:

1. All points and places in the Los Angeles Basin Territory.
2. The Los Angeles Basin Territory and the San Diego Territory.
3. The Los Angeles Basin Territory and Calexico, via U. S. Highways 60, 70, 99 and State Highway 111.
4. The Los Angeles Basin Territory and Santa Barbara, via U.S. Highways 101 and 101-A.
5. The Los Angeles Basin Territory and Ventura, via U. S. Highways 101, 101-A and 99, and State Highways 119 and 120.
6. The Los Angeles Basin Territory and Bakersfield, via U. S. Highway 99.
7. The Los Angeles Basin Territory and Lancaster, via U. S. Highway 6.
8. Serving also all intermediate points along said routes and also off-route points within five miles of said routes.

NOTE 1. Applicant shall not transport missiles and component parts thereof, liquid and solid propellants or explosives, electronic devices, commodities moving for the account of the Atomic Energy Commission, nuclear devices, space craft and component parts thereof, even though said commodities require the use of special refrigeration or temperature control devices and move in specially designed and constructed equipment.

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Provided, however, that the above-mentioned restriction shall not apply

BETWEEN:

1. All points and places within the Los Angeles Territory.
2. The Los Angeles Territory, Santa Barbara and San Diego, via U. S. Highways 101 and 101-A.
3. The Los Angeles Territory and Ventura, via U. S. Highways 101, 101-A and 99, and State Highways 113 and 126.
4. The Los Angeles Territory and Bakersfield, via U. S. Highway 99.
5. The Los Angeles Territory and Lancaster, via U. S. Highway 6.
6. The Los Angeles Territory and San Bernardino, Colton, Riverside via U. S. Highways 66, 60, 70, 99, 101, 91 and State Highway 13; and
7. All intermediate points along said routes and also off-route points within five miles of said routes.

NOTE 2. DEFINITIONS:

The term "Los Angeles Territory" as used in this order means the area described in Appendix B, hereto attached.

The term "Los Angeles Basin Territory" as used in this order means the area described in Appendix C, hereto attached.

The term "San Diego Territory" as used in this order means the area described in Appendix D, hereto attached.

End of Appendix A

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APPENDIX B TO DECISION NO. 62895

LOS ANGELES TERRITORY includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning.

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.

APPENDIX D TO DECISION NO. 62895

SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways 101-E and 101-W (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 (State Highway 67); 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 point of beginning.