

ORIGINAL

Decision No. 63512

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JAMES L. CHASE, an individual doing)
business as KERN VALLEY TRANSFER,)
for an in lieu certificate of)
public convenience and necessity as)
a highway common carrier of general)
commodities, with the usual excep-)
tions, between various points in)
Los Angeles, Kern, and San)
Bernardino Counties, pursuant to)
Sections 1063 and 1064 of the)
California Public Utilities Code.)

Application No. 43516
(Filed June 16, 1961)

Turcotte & Goldsmith, by Jack O. Goldsmith,
for applicant.
Arthur H. Glanz, for Desert Express, Victorville-
Barstow Truck Line, Inc., Pacific Motor
Trucking and Valley Motor Lines, Inc., and
Russell & Schureman, by Theodore Russell and
R. Y. Schureman, for Western Truck Lines, Ltd.,
interested parties.

O P I N I O N

This application was heard before Examiner Kent C. Rogers at Los Angeles on October 9 and 10, 1961, and February 6, 1962, and at Lancaster on November 20, 1961. It was submitted on February 6, 1962. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. The above-listed interested parties originally appeared as protestants, but the application, which originally requested authority to extend service along Highway No. 6 to Inyokern and on Highway No. 395 and connecting highways to China Lake and Ridgecrest and on

Highways Nos. 66 and 466 as far north and east as Barstow and Daggett, was amended to exclude all territory and points north and east of Lancaster, and the protests were withdrawn and appearances made as interested parties only.

Applicant is a highway common carrier presently transporting general commodities with exceptions between the Los Angeles Territory and Fresno via U. S. Highway No. 99 and the Porterville loop, i.e. Highway No. 65, plus service via Highway No. 180 between Fresno and Centerville, Highway No. 63 between Visalia and Orange Cove, Highway No. 198 between Lemoore and Visalia, and Highway No. 41 between Lemoore and Fresno. Service is provided to intermediate points on the highways and within ten miles on either side thereof. Applicant may not serve Newhall, Saugus or Castaic. That authority is set forth in Decision No. 61846, dated April 13, 1961, as amended by Decision No. 62024, dated May 22, 1961, and Decision No. 62858, dated November 29, 1961, in Application No. 42507. By Decision No. 63300, dated February 20, 1962, in Application No. 43901, applicant acquired additional rights as a highway common carrier of general commodities between Dunnigan and Lincoln on the north and Wheeler Ridge on the south via U. S. Highways 99, 99E and 99W, including points within 25 miles laterally of U. S. Highway 99 between Fresno and Wheeler Ridge and points within a 20-mile radius of Sacramento, as well as points on State Highway 33 between Tracy and Maricopa and points on U. S. Highway 50 between Tracy and Stockton.

Applicant hereby requests authorization to extend his highway common carrier operations so as to transport the same commodities between all points he is presently authorized to serve, plus service to and from points on, and within ten miles laterally on each side of, U. S. Highway No. 6 between its junction with U. S. Highway

No. 99 near San Fernando and a point on U. S. Highway No. 6 five miles north of Lancaster, serving Quartz Hill, Pearblossom and Rosamond as off-route points, and within the restriction that he may not serve Newhall, Saugus, Castaic or the off-route point of Rosamond except in conjunction with split-delivery shipments.

The proposed service is to be on call on a daily basis except Sundays and holidays. In the Los Angeles Territory applicant will pick up seven days a week and he will deliver in the Highway No. 6 area six days a week including Saturdays. Delivery is to be before noon and time in transit is to be overnight.

Applicant participates in Local Joint and Proportional Freight Tariff No. 17-A, Cal. P.U.C. No. 33 of Western Motor Tariff Bureau, Inc., Agent W. J. Knoell, Issuing Officer, and the proposed service will be at rates substantially in conformity with the rates presently published in said tariff.

Applicant is presently in business and appears to have adequate finances, personnel, and equipment with which to render the proposed extension of service. He has and will use in the business a leased terminal in Los Angeles, an owned terminal in Bakersfield, and a leased terminal in Fresno. He proposes to secure a terminal in Lancaster if needed.

On behalf of the applicant, 17 public witnesses were called. Of these, nine appeared at the Los Angeles hearings and eight appeared at the Lancaster hearing. These witnesses represented shippers or receivers of all types of commodities who have shipped to Los Angeles and on- and off-route points on Highway No. 6 between Los Angeles and Lancaster, including Lancaster. The witnesses are attracted to applicant's services by their knowledge of the consistency and punctuality thereof, the promised early

deliveries in the proposed service area, and the proposed Saturday service. Each of these witnesses supported the application, indicated that he or his principal would use the service, if authorized, and that the proposed and existing service of applicant is, in the opinion of the witnesses, better than that of the existing carriers.

Findings and Conclusions

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

Public hearings 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 James L. Chase 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 set forth in Appendix A, attached hereto and hereby made a part hereof.

2. That Appendix A of Decision No. 61346, as amended, is further amended by incorporating therein Fourth Revised Page 1 and First Revised Page 2, attached hereto, in revision of Third Revised Page 1 and Original Page 2, respectively, and by the addition of Original Page 3, also attached hereto.


3. 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 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, applicant shall establish the service

herein authorized and file in the Commission's office in triplicate tariffs satisfactory to the Commission, which tariff filings shall be made effective concurrently with the establishment of the service and on not less than thirty days' notice to the Commission and the public. The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

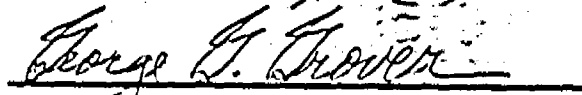
The effective date of this order shall be twenty days after the date hereof.

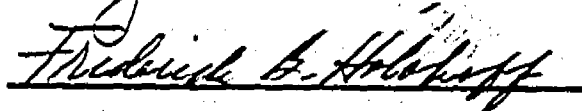
Dated at San Francisco, California, this 3rd day of APRIL, 1962.



President







Commissioners

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

James L. Chase, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points and places on and along the following routes:

1. U. S. Highway 99, including points within ten miles laterally therefrom, between the Los Angeles Territory, as described in Appendix B attached hereto, and Wheeler Ridge, inclusive. (See Exceptions 1 and 2 below.)
2. U. S. Highway 99, including points within twenty-five miles laterally therefrom, between Wheeler Ridge and Fresno, inclusive, including points within a ten-mile radius of the following:
 - a. The junction of U. S. Highway 99 and State Highway 180 within the City of Fresno.
 - b. The junction of State Highways 198 and 41 near Lemoore.
 - c. The junction of State Highway 180 and unnumbered highway known as Valley Road near Squaw Valley.
3. U. S. Highways 99, 99W and 99E between Fresno and Durigan and Lincoln, inclusive, including points and places within a twenty-mile radius of the corporate limits of the City of Sacramento (See Exception 2 below), and including the off-route points of Escalon, Riverbank and Oakdale.
4. U. S. Highway 50 between Stockton and Tracy, inclusive.
5. State Highway 33 between junction with U. S. Highway 50 near Tracy and Maricopa, including the off-route points of Euron, Kettleman City and Ford City.

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6. U.S. Highway 6, including points within ten miles laterally therefrom, between its junction with U.S. Highway 99 near San Fernando and a point five miles north of Lancaster, inclusive, including the off-route points of Quartz Hill, Pearblossom and Rosamond (See Exception 1 below).
7. Through routes and rates may be established between any and all points specified in subparagraphs 1 through 6 above.
8. For operating convenience only, applicant is authorized to traverse U.S. Highway 6 between a point thereon five miles north of Lancaster and Mojave, and U.S. Highway 466 between Mojave and a point thereon twenty five miles east of U.S. Highway 99, serving no points or places on or laterally from U.S. Highways 6 and 466.

- EXCEPTIONS:
1. Applicant is not authorized to serve Newhall, Saugus and Castaic, or the off-route point of Rosamond except in conjunction with split delivery shipments.
 2. Applicant is not authorized to provide local service between points
 - a. Within the Los Angeles Territory.
 - b. Within a 20-mile radius of the corporate limits of the City of Sacramento.

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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. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
5. 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.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.

End of Appendix A

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