

Decision No. 64335**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOHN ALLEN DELLIPLAINE, an individual,)
 doing business as DELLIPLAINE TRUCK)
 COMPANY, for a certificate of public)
 convenience and necessity to operate)
 as a highway common carrier for the)
 transportation of certain commodities)
 between points in the Los Angeles)
 Basin Territory and Bakersfield and)
 Delano in Kern County pursuant to)
 Sections 1063 and 1064 of the)
 California Public Utilities Code.)

Application No. 43673
 (Filed August 9, 1961)

Howard E. Meyers, for applicant.

Wade and Wade by James W. Wade, for Asbury
 Transportation Co.; and Arthur H. Glanz,
 for Blankenship Motors; California Cartage
 Company; California Motor Express, Ltd.;
 Constructors Transport Co.; Delta Lines,
 Inc.; Desert Express; Di Salvo Trucking
 Company; Garden City Transport Co., Ltd.;
 Interlines Motor Express; Merchants Express
 of California; Oregon-Nevada-California Fast
 Freight; Southern California Freight Lines,
 Inc.; Pacific Motor Trucking Company;
 Peters Truck Lines; Shippers Express Company;
 Sterling Transit Company; Valley Motor Lines,
 Inc.; Valley Express Co.; and Willig Freight
 Lines; protestants.

Michael N. Gombos, for Special Service
 Transportation Corporation; interested party.

O P I N I O N

Public hearings were held before Examiner John Power at
 Bakersfield on December 19 and Los Angeles on December 20, 1961.

Applicant is a permitted carrier. His original applica-
 tion requested authority to serve between the Los Angeles Basin
 Territory and Delano with five-mile lateral rights. Limited com-
 modities were requested; however, the list of commodities was very
 extensive.

At the conclusion of the Los Angeles hearing, dates were set in April to hear protestants' cases. The major group of protestants reached an agreement with applicant and the matter went off calendar. On May 14, 1962 applicant filed an amendment to the application. The major feature of the amendment was to restrict the area for which a certificate was sought. The Los Angeles Territory was requested instead of the Basin. On the northern end the authority requested was cut back to Bakersfield and Oildale. Laterals were reduced from five to four miles. The commodity list was substantially shortened. A stipulation was annexed to the application withdrawing the protest of those carriers represented by Mr. Glanz as shown in the appearances herein. This stipulation does not bind the Asbury Transportation Company but that company apparently did not object to the removal of the matter from the calendar or otherwise indicate to the Commission its continuing interest in the proceeding.

Applicant presented eight public witnesses at Bakersfield and five at Los Angeles in support of his application. These witnesses generally testified as to the speed and dependability of applicant's service and expressed a need and desire for the proposed service and an intention to use it. Applicant delivers on Saturday, a feature that is a necessity to some of the witnesses. For the reasons indicated above no presentation was made on behalf of the protestants.

The Commission finds that public convenience and necessity require that the application, as amended, be granted.

The Commission further finds that applicant has the necessary financial resources, experience, equipment and personnel to render the proposed service.

John Allen Delliplaine 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 granted to John Allen Delliplaine 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 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 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.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) 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-A.

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

Dated at San Francisco, California, this 2nd day of October, 1962.

 President

 Commissioners

-4- Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

John Allen Delliplaine, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the commodities hereinafter listed between Los Angeles Territory, as described in Appendix B attached hereto, and Bakersfield and Oildale serving all intermediate points on and within four miles laterally of U.S. Highway 99, including points within a four-mile radius of Bakersfield.

Lateral and radial miles referred to in this appendix are statute miles of 5,280 feet each, measured in a straight line without regard to terrain features.

Commodities authorized to be transported (See Note):

1. ACID: Muriatic (hydrochloric), as described in Item 2340.
2. ADVERTISING MATTER, as described in Items 2485 through 2690.
3. ALUMINUM, viz.:
 - Stair treads or risers, as described in Item 5810.
 - Wire, as described in Item 5870.
4. Artists' materials or paints, noibn, as described in Item 6380.
5. ASBESTOS: Wallboard, as described in Items 6630 and 6640.
6. AUTOMOBILE PARTS OR ACCESSORIES: Kits, pneumatic tire repair, as described in Item 8810.
7. BASKETS OR HAMPERS, viz.:
 - Bottle carrier, hand, as described in Item 10510.
 - Bottle carrying, hand, as described in Item 10520.
8. Belts or belting, noibn, as described in Item 10960.

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9. Bottle wrappers or covers, as described in Items 13745 and 13750.
10. BOXES OR CRATES, INCLUDING FIBREBOARD, PAPER OR PULPBOARD BOTTLES OR CANS, viz.:
 - Bottles, conical, as described in Item 13860.
 - Boxes: Fibreboard, other than corrugated, viz.:
 - Bottle or can carrying containers or cartons, as described in Item 14062.
 - Boxes, bottles or cans, as described in Item 14550.
 - Cans or bottles, as described in Item 14610.
 - Crates: Bottle carrying, as described in Item 14630.
11. BRASS, BRONZE OR COPPER, viz.:
 - Wire, as described in Item 15080.
12. BUILDING OR PAVING MATERIALS, MISCELLANEOUS: Cement, floor tile, as described in Item 15980.
13. BUILDING METAL WORK, INCLUDING ROOF TRIMMINGS OR GUTTERING OR VENTILATORS, as described in Items 16885 through 18150.
14. BUILDING WOODWORK, as described in Items 18265 through 18770.
15. CAPS, COVERS OR TOPS, OTHER THAN DISPLAY, FOR BOTTLES, CANS, GLASSES OR JARS, OR CAN BOTTOMS, as described in Items 20260 through 20380.
16. CARRIERS, SHIPPING: Bottle (bottle carrying boxes or crates), as described in Items 20775 through 20830.
17. Carriers (used packages), subject to Note 1, viz.:
 - Bottles, as described in Item 300-R, Supplement 83 to Exception Sheet 1-S, Pacific Southcoast Freight Bureau, Agent.
18. Cellulose bands, caps, covers or tops, for bottles, cans, glasses or jars, as described in Item 21480.
19. Cement, carpet, linoleum, wallboard, acoustical tile or pad or facing tile, as described in Items 21540 and 21541.
20. Cement compound, building or floor, as described in Item 21690.

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21. CHEMICALS, viz.:

- Benzoyl peroxide, as described in Items 22860 and 22870.
- Calcium or lime salts, noibn, as described in Item 23060.
- Magnesium: Hydroxide, as described in Item 24395.
- Potassium (potash): Alkali salts, as described in Item 24890.
- Soda (alkali) residue, as described in Item 25280.
- Sodium (soda), viz.:
 - Carbonate, as described in Item 25430.
 - Phosphate, as described in Item 25730.

22. CLOTH, DRY GOODS OR FABRICS, viz.:

- Cloth, cord, sleeving or tape, as described in Item 27890.
- Dry goods, noibn, as described in Item 28160, viz.:
 - Curtains or draperies.
- Dry good samples, as described in Item 28170.
- Tape, as described in Items 28330 and 28340.
- Window shade cloth or felt, as described in Items 28390 through 28395.

23. Cloth or tape, insulating, as described in Items 28405 through 28410.

24. COKE: Creosote, pitch or tar, as described in Item 28830.

25. CONDUITS, PIPE, SMOKESTACKS, TUBING OR FITTINGS, OTHER THAN CLAY, CONCRETE OR EARTHEN, as described in Items 29220 through 29251, 29370 through 29380, 29430, 29530 through 29635, 29670 through 29830, 29900 through 30200.

26. Cornices, curtain, as described in Items 31070 and 31075.

27. COTTON: Samples, as described in Item 31160.

28. Curtain pole or rod fixtures, as described in Item 31660.

29. CURTAIN POLES OR RODS, as described in Items 31670 through 31695.

30. Curtains, as described in Item 31705.

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31. ELECTRICAL APPLIANCES OR EQUIPMENT, OR PARTS NAMED, as described in Items 34060, 34080, 34270, 34310 through 34411, 34460 through 34500, 34520, 34530, 34570, 34650 through 34680, 34720, 34730, 34740, 34780, 34800, 34810, 34850, 34880, 34900, 34910, 35030, 35120, 35180, 35205 through 35245.
32. FASTENERS, viz.:
Curtain or snap, as described in Item 36960.
Strips, carpet tacking, as described in Item 36980.
33. Fillers or partitions, bottle carrier, as described in Item 38160.
34. FLOOR COVERINGS OR RELATED ARTICLES, as described in Items 38830 through 39060.
35. FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, viz.:
Beverage preparations, as described in Items 39475 and 39480.
Beverages, flavored or phosphated, as described in Item 39490.
Extracts, as described in Items 39820 through 39840.
Malt, crushed, malt syrup or liquid malt extracts, beverage preparation, as described in Item 40295.
Malt or milk and chocolate or cocoa compounds, beverage preparation, as described in Item 40310.
Milk beverage, as described in Items 40410 and 40420.
Syrup, as described in Items 40940 through 40980.
36. Gates, fence, as described in Items 45810 through 45830.
37. GLASSWARE, viz.:
Bottles, as described in Items 46280 through 46315.
Bulbs, incandescent electric lamp, as described in Item 46340.
38. GUMS: Shellac, as described in Item 48120.
39. HARDWARE, viz.:
Agitators, paint drum, as described in Item 48660.
Binding, carpet, oilcloth or linoleum, as described in Item 48860.
Clips, wallboard joint, as described in Item 49280.

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- Fencing, as described in Item 49490.
Floor sleeper anchors or clips, as described in Item 49620.
Hinges or butts, noibn, as described in Items 49850 and 49860.
Hooks, noibn, as described in Items 49910 through 49950.
Locks or lock sets, noibn, as described in Item 50130.
Sash balances, spring, as described in Item 50510.
Sash pulleys, as described in Items 50520 through 50530.
Tilting frames, bottle or carboy, as described in Item 50910.
Venetian blind hardware (fixtures), as described in Item 51050.
Weights, sash, as described in Item 51090.
Wire, as described in Items 51110 through 51130.
40. HOLDERS: Bottle, as described in Item 52020.
41. INSULATING MATERIAL: Vermiculite, as described in Items 53450 and 53460.
42. INSULATORS, as described in Items 53490 through 53570.
43. IRON OR STEEL, viz.:
- Box straps or strapping, as described in Item 53870.
Columns, as described in Items 54020 and 54030.
Fence gates, as described in Item 54100.
Fence post fixtures, as described in Item 54110.
Fence posts, as described in Items 54120 and 54130.
Fencing, as described in Items 54140 through 54150.
Furring or studding, as described in Items 54230 and 54231.
Hangers, pipe, noibn, as described in Item 54290.
Lathing or ribbing, as described in Items 54335 and 54340.
Mesh, bar or wire, as described in Item 54375.
Nails or spikes, noibn, as described in Item 54430.
Staples, as described in Items 55010 through 55020.
Ties, as described in Items 55130 and 55150.
Wire, as described in Item 55270.
44. Kits, venetian blind repair, as described in Item 55525.
45. Knobs or pulls, door or drawer, noibn, as described in Item 55550.

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46. Labels, as described in Item 55560.
47. LAMPS, LANTERNS OR LIGHTING FIXTURES, OR PARTS NAMED, viz.:
- Bases, as described in Items 55700 and 55710.
 - Lamp socket caps or shells, incandescent, as described in Item 55810.
 - Lamp socket tubes, as described in Item 55820.
 - Lamps, electric, incandescent, as described in Item 55910.
 - Lamps, fluorescent, as described in Item 55930.
 - Lighting fixture bodies, pans or strips, as described in Item 56030.
 - Lighting fixtures, as described in Items 56040 through 56060.
48. LEAD, viz.:
- Tape or wedge, as described in Item 56390.
 - Wire, as described in Item 56420.
49. Liquors or liquids, noibn, non-alcoholic, as described in Item 56895.
50. MACHINERY OR MACHINES, OR PARTS NAMED, viz.:
- Bottlers', as described in Items 59060 through 59110.
 - Carbonating machines, as described in Item 59580.
51. METALS OR ALLOYS, viz.:
- Hinges or butts, noibn, as described in Item 68375.
 - Wire, as described in Item 68785.
52. NICKEL: Wire, as described in Item 70310.
53. NICKEL-COPPER: Wire, as described in Item 70480.
54. NICKEL-IRON-CHROMIUM ALLOY, viz.:
- Tape, as described in Item 70600.
 - Wire, as described in Item 70610.
55. NICKEL-SILVER, viz.:
- Hinges or butts, noibn, as described in Item 70673.
 - Wire, as described in Item 70750.

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56. OILS, viz.:
- Creosote, as described in Item 72400.
 - Paint oils, noibn, as described in Item 72530.
57. Paint cakes, water color set refill, as described in Item 74730.
58. Paint sets, as described in Item 74735.
59. PAINTS, PAINT MATERIAL OR PUTTY, as described in Items 74750 through 75200.
60. PAPER, viz.:
- Wall, noibn, or wallpaper samples or sample books, as described in Item 75740.
 - Window shade, as described in Item 75800.
61. PAPER ARTICLES, viz.:
- Curtains or draperies, as described in Item 76310.
 - Labels, noibn, as described in Item 76550.
 - Sealing tape, as described in Items 76880 and 76890.
 - Tape, wallboard joining or reinforcing, as described in Item 76950.
62. PASTE: Flour, as described in Item 77090.
63. PLASTER GROUNDS: Corner bead, steel, as described in Item 77620.
64. PLASTIC MATERIALS, SYNTHETIC, AND RELATED ARTICLES, viz.:
- Adhesive, as described in Item 77660.
 - Articles, noibn, as described in Item 77670, viz.: Bottles.
 - Conduits or pipe, as described in Item 77720.
 - Curtains, draperies or table cloths, as described in Item 77740.
 - Labels, as described in Item 77760.
 - Pipe or tubing or pipe fittings, as described in Items 77788 and 77790.
65. Printed matter, paper or pulpboard, noibn, as described in Item 79610, viz.: Labels.
66. Pulls, window shade, as described in Item 80100.

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67. RACKS, viz.:

Bottle dip or sterilizing, as described in Item 80420.
Storage, empty bottle, as described in Item 80600.
Store display racks or stands, noibn, as described in
Items 80610 and 80611.

68. Rollers, linoleum, as described in Item 83480.

69. ROOFING OR SIDING, OR ROOFING OR SIDING MATERIALS, viz.:

Building, roofing or sheathing paper, as described
in Item 83540.
Cement, as described in Items 83550 and 83560.
Roofing, as described in Items 83590 through 83601.

70. RUBBER, ARTIFICIAL, GUAYULE, NATURAL, NEOPRENE OR
SYNTHETIC, OTHER THAN FOAM RUBBER, viz.:

Latex (liquid rubber), as described in Item 84250.
Tire beads, automobile, as described in Item 84410.
Tire boots, patches, reliners, shoes or treads, as
described in Item 84420.
Tire flaps, as described in Item 84430.
Tire tubes, as described in Items 84440 and 84450.
Tires, as described in Items 84460 through 84480.
Tubes or tubing, as described in Item 84490.

71. Salesmen's samples, as described in Item 84580.

72. Sealing tape, as described in Item 84690.

73. Shade roller fixtures, as described in Item 85390.

74. Shade rollers or shade sticks, as described in
Item 85400.75. SHADES, WITH OR WITHOUT FIXTURES, as described in
Items 85410 through 85500.76. SIGNS, OTHER THAN FIGURES OR IMAGES, as described in
Items 86400 through 86610 except Item 86460.77. Stoppers, bottle, as described in Item 88120 through
88170.

78. Tags or labels, as described in Item 88500.

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79. TILE OR TILING, FACING OR FLOORING, OR FACING COVE OR MOLDING, as described in Items 89470 through 89634 except Items 89530, 89531 and 89532.
80. TOOLS OR PARTS NAMED, viz.:
Paint applicators, as described in Item 91070.
Tire curing or vulcanizing bags or tubes, as described in Item 91760.
81. Tops, bottle stopper, as described in Item 91990.
82. Turpentine, as described in Items 92440 and 92450.
83. Valves, pneumatic tire, as described in Item 92610.
84. VEHICLES, OTHER THAN MOTOR: Bottle trucks and drainers combined, as described in Item 92700.
85. Vermiculite, as described in Item 94830.
86. WALLBOARD, as described in Items 94890 through 95020.
87. WAX: Shellac, as described in Item 96390.
88. WIRE GOODS: Braid or tape, as described in Item 96910.
89. WOODENWARE, viz.:
Labels or tags, as described in Item 97620.
Paint paddles, as described in Item 97660.
Slats, blind, shade or shutter, as described in Item 97830.
90. ZINC OR ZINC ALLOY, viz.:
Hinges or butts, noibn, as described in Item 98365.
Wire, as described in Item 98530.

NOTE: Unless otherwise specified, the term "Items" as used above refers to the specific items published in Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof, including Supplements 9, 11, 15, 18, 22 and 26 thereto.

END OF APPENDIX A

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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 Kimeno Street; southerly along Kimeno 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.