

ORIGINAL

Decision No. 66855

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
DONALD L. VEINO, doing business as
SOLVANG FREIGHT LINE, sole proprietor-
ship, for a Certificate of Public
Convenience and Necessity to operate
as a Highway Common Carrier for the
transportation of property.

Application No. 45315
(Filed April 4, 1963)

Royce R. Lewellen, for applicant.
Arthur H. Glanz and Russell and Schureman
by R. Y. Schureman, for interested parties.

O P I N I O N

Applicant sought a highway common carrier certificate between Los Angeles Basin Territory and Paso Robles and Morro Bay in San Luis Obispo County and intermediate points other than those in Ventura County and two defense establishments in Santa Barbara County. Veino proposed to transport general commodities with standard exceptions in a fleet of eight units of equipment. Evidence of financial responsibility was furnished.

Public hearings were held before Examiner Power at Santa Barbara on August 20 and 21 and at Santa Maria on October 15, 1963. The submission date was November 17, 1963. The circumstances that caused the delay in submission are hereinafter detailed.

Two groups appeared as protestants. One, consisting of Griley Security Freight Lines, Certified Freight Lines and Smith Transportation Company, will be referred to as the "local" group. The other consisted of 11 carriers and included a number whose operations cover major portions of the State and will be referred to as the "state-wide" group.

Applicant, in his testimony, indicated that he did not seek to serve the City of Santa Barbara. At the last hearing in Santa Maria, applicant offered to amend his application in a restrictive manner. The attorney for the local group promptly withdrew his protest and changed his appearance to that of an interested party.

The attorney for the state-wide group had no authority to change his appearance at the hearing, but by November 13, 1963 he had acquired such authority. He then withdrew his protest and his clients became interested parties. Notice of this was received at the Commission's office on November 17, 1963. As of that date the matter stands submitted without protest.

The amendment restricts the application to service between that portion of Los Angeles Basin Territory west of State Highway 39, on the one hand, and Santa Ynez Valley and Las Cruces, on the other hand. The agreement of counsel substantially reflects the situation as developed in the evidence, and, therefore, extended comment on the latter is not required.

The Commission finds that public convenience and necessity require that a certificate be granted as provided by the following order.

The Commission concludes that the application, as amended at Santa Maria on October 15, 1963, should be granted.

Donald L. Veino 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

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Donald L. Veino, 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 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 he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules of the California Highway Patrol, the 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 tariffs, in triplicate, in the Commission's office.
- (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 25th day of FEBRUARY, 1964.

William L. Bennett
President
W. S. Mitchell
Wesley W. Rye
George H. Traver
Fredrick B. Holcomb
Commissioners

Donald L. Veino, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport general commodities between that portion of the Los Angeles Basin Territory west of California State Highway 39, on the one hand, and the Santa Ynez Valley and Las Cruces, on the other hand.

The portion of the Los Angeles Basin Territory west of State Highway 39 is more particularly described as follows:

Beginning at the intersection of Sunset Boulevard and U.S. Highway 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway 7; northerly along State Highway 7 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 boundary to State Highway 39; southerly along State Highway 39 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 101, Alternate; thence northerly along an imaginary line to point of beginning.

The Santa Ynez Valley is more particularly described as follows:

- (a) State Highway 154 between its junction on the west with U.S. Highway 101 near Buellton and the San Marcos Pass summit on the east.
- (b) State Sign Route 80 between its junction on the west with U.S. Highway 101 and State Highway 154 on the southeast, via Los Olivos.

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- (c) Unnumbered county road between its junction on the south with State Highway 154 near Solvang and its junction with State Sign Route 80 on the north at Los Olivos.
- (d) Serving all intermediate points and all off-route points within five miles laterally of said routes.

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 Item No. 5 of Minimum Rate Tariff No. 4-B.
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 semiplastic 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 motor vehicles equipped for mechanical mixing in transit.
7. Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 78, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
8. Commodities likely to contaminate or damage other freight.

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9. Explosives as described in and subject to the regulations of American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff 11, Cal. P.U.C. 6, F. G. Freund, issuing officer.

In providing the services herein authorized, applicant may use any and all public ways, streets, roads and highways necessary or convenient therefor.

End of Appendix A

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