

points to be served. This discussion did not include the question of interstate and foreign commerce. Applicants had requested a finding under Section 206(a)(6) of the Interstate Commerce Act. Their publication in the Federal Register was dated July 3, 1963.

The parties were very close to agreement at the hearing and applicants proceeded to put in their case. Further negotiations took place and applicants further modified their request. On May 1, 1964 a letter was received from applicants embodying their final proposal. Both groups of protestants then withdrew their protests. As of May 11, 1964 the matter stands submitted without protest. Applicants' letter dated April 29, 1964 will be received in evidence as Exhibit No. 4. The principal effect of Exhibit No. 4 is to eliminate the request for interstate authority and to extend the application southward from Bakersfield to Wheeler Ridge. Twenty-mile laterals are requested. The right is requested to be restricted to traffic interlined to or from other highway common carriers.

Applicant Gladwell testified for the applicants. He testified that he had had to turn down many requests for service from highway common carriers. On the operational side it appears that applicants have two terminals. One is in Bakersfield, managed by the applicant Gladwell. The other is in Fresno, managed by applicant Walker.

Applicants presently have three tractors, three van semi-trailers and two trucks. They earned a net profit of \$3,521.41 in 1962 on \$44,484.92 of gross receipts. For the first quarter of 1963 they netted \$2,729.75 on gross receipts of \$21,255.87. Gladwell testified that applicants are aware that they may have to add equip-

ment if the certificate is granted and that they are prepared to do this.

The Commission finds that:

1. Applicants possess the experience, equipment, personnel and financial resources to institute and maintain the service hereinafter authorized.

2. Public convenience and necessity require that applicants be authorized to transport general commodities in interline intrastate service as provided by the following order.

The Commission concludes that the application should be granted as provided by the following order.

Applicants are 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 John Gladwell and Wilburn M. Walker, a partnership, authorizing them 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, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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 safety rules or provisions of General Order Nos. 99 or 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, applicants 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 4th
day of August, 1964.

Fredrick B. Holsieck
President
Everell W. [unclear]
George T. Trover

Commissioners

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

Commissioner William M. Bennett, being
necessarily absent, did not participate
in the disposition of this proceeding.

APPENDIX A JOHN GLADWELL and WILBURN M. WALKER Original Page 1
(a partnership)

John Gladwell and Wilburn M. Walker, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport general commodities between:

Wheeler Ridge and Fresno and intermediate points, serving the off-route points of Taft, Maricopa and McKittrick and all points within a lateral of 20 miles of both sides of U.S. Highway 99 between Wheeler Ridge and Fresno, but not north or south thereof, subject to the following restrictions:

1. Transportation services shall be rendered in intrastate commerce only.
2. On shipments to and from Kernville and points intermediate between Kernville and Bakersfield applicants shall perform such transportation by interlining such shipments with Kernville Stage Company and Kernville Freight Line, only.
3. All traffic shall have, in addition to the transportation authorized herein, an immediately prior or immediately subsequent movement by highway common carrier transportation.

Applicants 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.

Issued by California Public Utilities Commission.

Decision No. 67653, Application No. 45548.

APPENDIX A JOHN GLADWELL and WILBURN M. WALKER Original Page 2
(a partnership)

3. Livestock, viz., bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, live poultry, mules, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
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 bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Fresh fruits and vegetables, nuts in the shell and mushrooms.
10. Explosives as described in and subject to the regulations of Motor Carriers' Explosives and Dangerous Articles Tariff 11, Cal. P.U.C. 6, American Trucking Associations, Inc., Agent, on the issue date thereof.
11. Articles of extraordinary value as set forth in Rule 15 of National Motor Freight Classification A-7, Cal. P.U.C. 1, National Motor Freight Traffic Association, Inc., Agent, on the issue date thereof.
12. House trailers, trailers other than house trailers, portable units designed for human occupancy other than trailers, and parts, contents or supports for such articles when accompanying such equipment.

Issued by California Public Utilities Commission.

Decision No. 67653, Application No. 45548.

13. Furniture, as described under the heading "Furniture Group" in National Motor Freight Classification A-7, Cal. P.U.C. 1, National Motor Freight Traffic Association, Inc., Agent, on the issue date thereof, and lamp shades or reflectors and lamp standards or electric lamps and shades combined when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).
14. Garments on hangers.
15. Baled hay, fodder and straw.
16. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.

Issued by California Public Utilities Commission.

Decision No. 67653, Application No. 45548.