

ORIGINAL

Decision No. 67843

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 WESTERN COMPRESS COMPANY for a)
 certificate authorizing the opera-)
 tion of motor vehicles as common)
 carriers for transportation of)
 cotton samples, between Tulare and)
 Fresno, Fresno and Bakersfield and)
 Tulare and Bakersfield; and to)
 establish fares.)

Application No. 46773
(Filed June 30, 1964)

O P I N I O N

This application was inspired by a regulation of the United States Department of Agriculture, Cotton Classing Division, hereinafter called the Division.

Applicant is engaged in the business of storing and compressing cotton in the Fresno and Tulare areas. Before it can be sold cotton must be "classed" by the Division. Since commodity markets fluctuate, customers want same-day service so that they are free to sell their cotton at the earliest possible moment.

Applicant alleges that the common carriers now in the field will not guarantee same-day delivery and that shipments are often too bulky for express carriers such as Greyhound Lines.

As a result applicant believes it will be necessary to institute the service itself. Accordingly, this application has been filed. The extremely limited character of the application, its insignificant effect on the existing carriers in the field, the highly specialized nature of the service to be rendered, and the imminence of the cotton harvest indicate that a public hearing is not necessary.

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

The Commission concludes that a certificate of public convenience and necessity as a highway common carrier should be granted to Western Compress Company as provided by the following order.

Western Compress Company 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 Western Compress Company, a corporation, authorizing it 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 it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-C. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with the provisions of General Order No. 100-C, 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 15th day of SEPTEMBER, 1964.

Fredrick B. Halaloff
 President

George G. Grover
 Commissioner

Commissioners

-3- Commissioner George G. Grover, 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.

Western Compress Company by the certificate of public convenience and necessity granted by the decision noted in the margin is authorized to transport cotton samples between Fresno, Tulare and Bakersfield.

Issued by California Public Utilities Commission.

Decision No. 67843, Application No. 46773.