

ORIGINAL

Decision No. 71100

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 JOHN P. LEE and FREDERICK THOMAS JEWETT,
 a co-partnership, doing business as
 MERCURY PARCEL & DRAYAGE SERVICE, to
 transfer, and of FREDERICK THOMAS JEWETT,
 an individual to acquire a Certificate
 of Public Convenience and Necessity and
 certain property of JOHN P. LEE and
 FREDERICK THOMAS JEWETT, a co-partnership.

Application No. 48488
 (Filed May 20, 1964)

O P I N I O N

This is a joint application of John P. Lee and Frederick Thomas Jewett, co-partners, doing business as Mercury Parcel & Drayage Service, wherein John P. Lee, hereinafter called Lee, has applied to sell and transfer all of his interest in the partnership to Frederick Thomas Jewett, hereinafter called Jewett, for the sum of \$17,250.00, which has been placed in escrow until the transfer is authorized by the Commission. It is alleged that Jewett has always been the active and managing partner and that there will be no change in service or charges if the transfer is authorized.

The operating authorities proposed to be transferred consist of the certificates of public convenience and necessity acquired by Decision No. 54584, dated February 25, 1957 and amended by Decisions Nos. 67247, 68004 and 68579 dated May 19, 1964, October 13, 1964 and February 9, 1965, respectively; also Radial Highway Common Carrier Permit No. 38-4428, dated March 20, 1962, Highway Contract Carrier Permit No. 38-6582, dated March 20, 1962, and City Carrier Permit No. 38-5925, dated March 5, 1967. It is planned to transfer the motor vehicle equipment and property used by the partnership and the assets and liabilities to Jewett.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that the application should be granted. A public hearing is not necessary.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before November 1, 1966, John P. Lee and Frederick Thomas Jewett may sell and transfer, and Frederick Thomas Jewett may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Frederick Thomas Jewett shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Frederick Thomas Jewett shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that he has adopted or established, as his own, said rates and rules. 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 consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Frederick Thomas Jewett shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Frederick Thomas Jewett, an individual, doing business as Mercury Parcel & Drayage Service, 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 particularly set forth in Appendices A and B attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity acquired and amended by Decisions Nos. 54584, 67247, 68004 and 68579, which certificate shall be revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. The Secretary of the Commission shall transfer the permits described herein to Frederick Thomas Jewett as soon as the Commission is notified of the transfer.

8. In providing service pursuant to the certificate herein granted, Frederick Thomas Jewett shall comply with and observe the following service regulations:

- (a) Applicant is placed on notice that, if he accepts the certificate of public convenience and necessity herein granted, he will be required, among other things, 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-D. Failure to comply with and observe the safety rules, or the provisions of General Order No. 100-D may result in a cancellation of the operating authority granted by this decision.
- (b) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission on or before March 31 of each year, an annual report of his operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 9th day of AUGUST, 1966.

George J. Grover

 President

William L. Dennis

 Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

Frederick T. Jewett by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities from, to and between all points and places within the territory as described in Appendix B attached hereto.

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, 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), by mechanical refrigeration, or by release of liquefied gases.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, 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.

Issued by California Public Utilities Commission.

Decision No. 71100, Application No. 48488.

8. Fresh fruits and vegetables, nuts in the shell and mushrooms, from point of growth or from accumulation points to canneries, packing sheds, precooling plants, wineries and cold storage plants.
9. 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.
10. Articles of extraordinary value as set forth in Rule 3 of Western Classification 78, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
11. 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.
12. Furniture, as described under that heading in Western Classification 78, J. P. Hackler, Tariff Publishing Officer, 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).
13. Garments on hangers.
14. Baled hay, fodder and straw.
15. Logs.

(End of Appendix A)

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Decision No. 71100, Application No. 48488.

Appendix B to Decision No. 71100

TERRITORIAL DESCRIPTION OF SERVICE AREA

All of the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to State Highway 5; southerly along State Highway 5 to its intersection with State Highway 9 at Saratoga Gap; easterly along State Highway 9 to Saratoga; southeasterly along unnumbered highway to Los Gatos; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillisdale Avenue; easterly along Hillisdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to Oakland Road; northerly along Oakland Road through Milpitas to its intersection with State Highway 9 at Warm Springs; northerly and westerly along State Highway 9 via Mission San Jose, Files and Hayward to the intersection of State Highway 9 with Redwood Road; easterly and northerly along Redwood Road to the intersection with an unnumbered highway just east of Castro Valley; westerly and southerly along such unnumbered highway through Castro Valley to its intersection with Foothill Boulevard; northerly along Foothill Boulevard to 98th Avenue; easterly along 98th and Encina Avenues to Mountain Boulevard; northerly along Mountain Boulevard, Warren Boulevard Freeway and Landvale Road to State Highway 24; northerly and westerly along State Highway 24 to Claremont Avenue; northerly along Claremont Avenue to the Berkeley-Oakland City limits; northerly along the Berkeley-Oakland City limits to the northern boundary of the University of California; westerly along said boundary and Cedar Street to San Pablo Avenue (U.S. Highway 40, Business Route); northerly along San Pablo Avenue to and including all of the cities of Richmond and San Pablo; southerly along Filbert Street to Castro Street; southwestly along Castro Street to State Highway 17 (Standard Avenue); northwesterly along State Highway 17 to the Richmond-San Rafael Bridge; southerly along an imaginary line from the Richmond-San Rafael Bridge to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to the point of beginning.