

ORIGINALDecision No. 71455

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 C. H. MILLER, an individual, doing
 business as C. H. MILLER TRANSPORTATION
 to sell to BOYD TRUCKING CO., a California
 corporation, certain operating authorities
 evidenced by a certificate of public con-
 venience and necessity.

Application No. 48740
 (Filed August 25, 1966)

O P I N I O N

C. H. Miller, presently engaged in the transportation of lumber and forest products throughout an extensive area within the State, requests authority to sell and transfer a portion of his certificated authority to Boyd Trucking Co.

Applicant was granted authority by Decision No: 59551 dated January 26, 1960, as amended by Decision No. 59701, dated February 23, 1960 to conduct operations between points within California. Basically Miller wishes to restrict his operation to shipments of lumber and forest products originating in or destined to points in Butte County and limited commodities between various points and to sell the operating rights applicable to the balance of his present operations. The agreed cash consideration is \$20,000, payable as follows: Five thousand dollars down and the balance upon authorization of the sale by this Commission and the Interstate Commerce Commission.

Applicant Buyer is a California corporation presently engaged in the transportation of lumber and forest products as a permitted carrier. It owns and operates 37 units of equipment and as of December 31, 1965, indicated a net worth in the amount of \$159,326.47.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. 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.

Boyd Trucking Co. 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. On or before May 1, 1967, C. H. Miller may sell and transfer, and Boyd Trucking Co. may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Boyd Trucking Co. 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. Boyd Trucking Co. shall file tariffs with the Commission naming rates and rules governing the common carrier operations acquired herein and C. H. Miller shall amend or reissue the tariffs

on file with the Commission so as to name rates and rules governing his remaining highway common carrier operations. 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. Concurrently with the tariff filings required by ordering paragraph 3 hereof the operating authority granted by Decision No. 59551, dated January 26, 1960, as amended by Decision No. 59701, dated February 23, 1960 is hereby revoked and simultaneously therewith certificates of public convenience and necessity are hereby granted to C. H. Miller and Boyd Trucking Co. authorizing the transportation of property as highway common carriers between the points and over the routes set forth in Appendices A & B attached hereto and made a part hereof.

5. In providing service pursuant to the certificate herein granted, Boyd Trucking Co. shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, Boyd Trucking Co. shall file a written acceptance of the certificate herein granted. Boyd Trucking Co. is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it 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) Boyd Trucking Co. shall maintain its 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 its 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 2nd day of OCTOBER, 1966.

[Signature]
President

George J. Hoover

Fredrick B. Wildoff

[Signature]

[Signature]
Commissioners

C. H. Miller Transportation

C. H. Miller, by the certificate of public convenience and necessity granted in the decision noted in the margin is authorized to operate as a highway common carrier as follows:

- I. Lumber and forest products as described in Item No. 660 of Original Pages 52 and 53 of Minimum Rate Tariff No. 2, between the points and over the following routes:
 - A. To, from and between points in Butte County, California and over the following routes:
 1. Over U.S. Highway 99, 99 West and 99 East, within the confines of Butte County.
 2. Points in Butte County 10 miles south of Vina.
 3. Points in Butte County between Chico and the junction of State Highways 32 and 36 via State Highway 32.
 - B. Between those points and over those routes in Butte County as hereinabove specified in A. 1, 2 and 3 on the one hand, and on the other hand, the following named points and routes:
 1. Over U.S. Highway 99, 99W and 99E between the California-Oregon State line and Modesto.
 2. Over U.S. Highway 97 between the California-Oregon State line and U.S. Highway 99.
 3. Over State Highway 96 between U.S. Highway 99 and U.S. Highway 299.
 4. Over U.S. Highway 101 between the California-Oregon State line and its junction with State Highway 36.
 5. Over U.S. Highway 199 between California-Oregon State line and Crescent City.
 6. Over an unnumbered road between Callahan and Tower House.
 7. Over U.S. Highway 299 between U.S. Highway 101 and Alturas.
 8. Over State Highway 89 between its junction with State Highway 44 and U.S. Highway 99.
 9. Over State Highway 44 between Redding and its junction with State Highway 89.
 10. Over State Highway 36 to a point thereon approximately one mile northeasterly of Westwood, thence over an unnumbered road, between U.S. Highway 101 and Westwood.

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11. Over U.S. Highway 40 between Sacramento and San Francisco.
 12. Over U.S. Highway 50 between Stockton and San Francisco.
 13. Over State Highway 12 between U.S. Highway 40 and Napa.
 14. Over State Highway 37 to Sears Point, thence over State Highway 48, between U.S. Highway 101 and U.S. Highway 40.
 15. Over U.S. Highway 101 and 101 By-pass between Ukiah and San Jose.
 16. Over State Highway 17 between Oakland and San Jose.
 17. Over an unnumbered road via San Francisco Bay Toll Bridge, between State Highway 17 and U.S. Highway 101.
 18. With the right to serve all points embraced within the following laterals to the above-described routes:
 - a. Thirty-five miles north of Corning and Vina, and
 - b. Ten miles south of Corning and Vina, and
 19. Intermediate points within the above-described routes and laterals.
- C. Between those points and over those routes in Butte County as hereinabove specified in A. 1, 2 and 3 on the one hand, and on the other hand, the following named points and routes:
1. Between Sacramento and Berkeley via State Highway 24.
 2. Between San Jose and the California-Mexican border via U.S. Highway 101 and 101 Alternate.
 3. Between Modesto and the California-Mexican border via U.S. Highway 99 to Los Angeles, U.S. Highway 60 to Riverside, U.S. Highway 395 to San Diego, U.S. Highway 80 to El Centro, and U.S. Highway 99 to the California-Mexican border.
 4. Between U.S. Highway 50, at its junction with State Highway 33 three miles easterly of Tracy, and Ventura, via State Highway 33 and U.S. Highway 399.

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5. Between Bakersfield and the California-Mexican border via U.S. Highway 466 to its junction with U.S. Highway 395, thence via U.S. Highway 395 to its Junction with U.S. Highway 99, thence via U.S. Highway 99 to the California-Mexican border.
6. Between Chico and the junction of State Highways 32 and 36 via State Highway 32.
7. Between Sacramento and the California-Nevada State Line via U.S. Highway 40.
8. Between Sacramento and the California-Nevada State Line via U.S. Highway 50.
9. With the right to serve points adjacent to the above routes located within 35 miles laterally thereof; and
10. Between intermediate points.

II. The commodities set forth in B. below:

- A. Between all points and places and over the routes specified, including all off-route points located within a radius of 10 miles laterally of the named highways, as follows:

1. Marysville and Susanville via Alternate U.S. Highway 40 and California State Highways 89 and 36.
2. Marysville, Sierraville, and junction U.S. Highway 395, via California State Highways 20, 49, 89 and Alternate U.S. Highway 40.
3. Susanville and junction Alternate U.S. Highway 40 via U.S. Highway 395.
4. Unnumbered highways and roads between Susanville, Walkermine, Cascade, Gibsonville, Taylorville, Mohawk, Portola, Calpine, Challenge, La Porte, Bangor, Marysville, Honcut, Enterprise, Janesville, Englemine, Genesee, Quincy, and Indian Falls.

- B. Commodities authorized are:

BUILDING or PAVING MATERIALS, MISCELLANEOUS, as listed under that heading in Items Nos. 15860 through 16870.

CONDUITS, DRAIN TILE, SEWER PIPE, or RELATED ARTICLES, CLAY, CONCRETE or EARTHEN, as listed under that heading in Items Nos. 28980 through 29210.

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CONDUITS, PIPE, SMOKESTACKS, TUBING or FITTINGS,
OTHER THAN CLAY, CONCRETE or EARTHEN, as listed
under that heading in Items Nos. 29220 through
30440.

ELECTRICAL APPLIANCES or EQUIPMENT, or PARTS
NAMED, as listed under that heading in Items
Nos. 34020 through 35425.

IRON and STEEL ARTICLES, as listed under that
heading in Items Nos. 53610 through 55290.

MACHINERY or MACHINES or PARTS NAMED, as listed
under that heading in Items Nos. 58470 through
67392.

OUTFITS, as listed under that heading in Items
Nos. 73380 through 74240.

RAILWAY MATERIAL or EQUIPMENT, as listed under
that heading in Items Nos. 80835 through 82950.

VEHICLES, MOTOR, as listed under that heading in
Items Nos. 93315 through 93440.

VEHICLE PARTS, as listed under that heading in
Items Nos. 93445 through 94790.

MISCELLANEOUS COMMODITIES, Viz.:

Cement, hydraulic, masonry, mortar, natural
or Portland.

Culverts

Mine props or timbers

Ties, railroad

Tunnel segments.

NOTE: The term "Items" as used above
refers to the specified items as
listed in Western Classification
No. 77, J. P. Hackler, Tariff
Publishing Officer, on the issue
date thereof.

End of Appendix A

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Boyd Trucking Co., by the certificate of public convenience and necessity granted in the decision noted in the margin is authorized to operate as a highway common carrier as follows:

Lumber and Forest Products

Lumber and forest products as described in Item No. 660 of Original Pages 52 and 53 of Minimum Rate Tariff No. 2, between the points and over the routes specified, as follows:

1. Over U.S. Highway 99, 99W and 99E between the California-Oregon State Line and Modesto.
2. Over U.S. Highway 97 between the California-Oregon State Line and U.S. Highway 99.
3. Over State Highway 96 between U.S. Highway 99 and U.S. Highway 299.
4. Over U.S. Highway 101 between the California-Oregon State Line and its junction with State Highway 36.
5. Over U.S. Highway 199 between California-Oregon State Line and Crescent City.
6. Over an unnumbered road between Callahan and Tower House.
7. Over U. S. Highway 299 between U.S. Highway 101 and Alturas.
8. Over State Highway 89 between its junction with State Highway 44 and U.S. Highway 99.
9. Over State Highway 44 between Redding and its junction with State Highway 89.
10. Over State Highway 36 to a point thereon approximately one mile northeasterly of Westwood, thence over an unnumbered road, between U.S. Highway 101 and Westwood.
11. Over U.S. Highway 40 between Sacramento and San Francisco.
12. Over U.S. Highway 50 between Stockton and San Francisco.
13. Over State Highway 12 between U.S. Highway 40 and Napa.
14. Over State Highway 37 to Sears Point, thence over State Highway 48, between U.S. Highway 101 and U.S. Highway 40.

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15. Over U.S. Highway 101 and 101 By-pass between Ukiah and San Jose.
16. Over State Highway 17 between Oakland and San Jose.
17. Over an unnumbered road via San Francisco Bay Toll Bridge, between State Highway 17 and U.S. Highway 101.
18. With the right to serve all points embraced within the following laterals to the above-described routes:
 - a. Thirty-five miles north of Corning and Vina, and
 - b. Ten miles south of Corning and Vina, and
19. Intermediate points within the above-described routes and laterals.
20. All subject to the following restrictions:
 - a. No local service between points south of Woodland or any highways.
 - b. No service between Montague, Callahan and intermediate points.
 - c. No service between points on U.S. Highway 101 north of Alton, on the one hand, and San Francisco Bay points, on the other hand.
 - *d. No service to, from or between points in Butte County.

Lumber and forest products between the following points and over the following routes:

1. Between Sacramento and Berkeley via State Highway 24.
2. Between San Jose and the California-Mexican Border via U.S. Highway 101 and 101 Alternate.
3. Between Modesto and the California-Mexican border via U.S. Highway 99 to Los Angeles, U.S. Highway 60 to Riverside, U.S. Highway 395 to San Diego, U.S. Highway 80 to El Centro, and U.S. Highway 99 to the California-Mexican border.
4. Between U.S. Highway 50, at its junction with State Highway 33 three miles easterly of Tracy, and Ventura, via State Highway 33 and U.S. Highway 399.

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6. Between Chico and the junction of State Highways 32 and 36 via State Highway 32.
7. Between Sacramento and the California-Nevada State Line via U.S. Highway 40.
8. Between Sacramento and the California-Nevada State line via U.S. Highway 50.
9. With the right to serve points adjacent to the above routes located within 35 miles laterally thereof; and
10. Between intermediate points.

RESTRICTION

Subject to the restrictions with respect to the above-numbered routes, 1, 2, 3, 4, and 5 that shipments shall move between points and places north of and including Woodland, on the one hand, and points and places on said routes numbered 1, 2, 3, 4, and 5, on the other hand, and further, that there shall be no service to, from or between points in Butte County.

End of Appendix B

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