

ORIGINAL

Decision No. 73016

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MILDRED C. O'DONNELL
doing business as BOB'S DELIVERY
SERVICE for transfer of certificate
of public convenience and necessity
to operate as a highway common carrier
from the name of Robert K. O'Donnell
doing business as Bob's Delivery
Service, now deceased, to Mildred C.
O'Donnell doing business as Bob's
Delivery Service.

Application No. 49573
(Filed July 26, 1967)

O P I N I O N

Mildred C. O'Donnell requests that a certificate of public convenience and necessity heretofore issued to Robert K. O'Donnell be transferred to her as his surviving spouse.

The certificate was granted by Decision No. 56544 dated April 15, 1958, in Application No. 36017, as amended by Decision No. 60069, dated May 9, 1960, in Application No. 41745, and authorizes operations as a highway common carrier.

All assets of applicant and her deceased husband were held in joint tenancy. As a consequence there is no probate and no representative of the estate.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

Mildred C. O'Donnell 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 Mildred C. O'Donnell, authorizing her 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 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. Applicant is placed on notice that, if she accepts the certificate of public convenience and necessity herein granted, she 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) 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.
- (e) Applicant shall maintain her 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 her operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 56544, as amended by Decision No. 60069, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 16th day of SEPTEMBER 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Mildred C. O'Donnell, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. ADVERTISING MATTER, as listed under that heading in Items Nos. 2485 through 2690 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
2. CLOTH, DRY GOODS OR FABRICS, as listed under that heading in Items Nos. 27730 through 28395 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
3. CURTAIN POLES OR RODS, as listed under that heading in Items Nos. 31670 through 31695 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
4. FLOOR COVERINGS OR RELATED ARTICLES, as listed under that heading in Items Nos. 38830 through 39061 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
5. SHADES, WITH OR WITHOUT FIXTURES, as listed under that heading in Items Nos. 85410 through 85500 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
6. TILE OR TILING, FACING OR FLOORING, OR FACING COVE OR MOLDING, as listed under that heading in Items Nos. 89470 through 89630 of Western Classification No. 76, J. P. Hackler, Alternate Agent, on the issue date thereof.
7. MISCELLANEOUS COMMODITIES, VIZ.:
 - Cement, linoleum
 - Compounds, buffing or polishing
 - Compounds, calking
 - Compounds, cleaning, washing or scouring

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7. MISCELLANEOUS COMMODITIES, VIZ.: (continued)

Glue
Laminated plastics
Lath, wooden
Moldings, aluminum, iron or steel
Screens, window
Soap

BETWEEN:

- (1) All points and places within the Los Angeles Basin Territory as described in Appendix B attached hereto;
- (2) All points and places within the San Diego Territory as described in Appendix B attached hereto;
- (3) All points and places intermediate between the Los Angeles Basin Territory and the San Diego Territory on U. S. Highway 101 including all points laterally within 5 air miles of U. S. Highway 101 and the off-route point of Camp Pendleton;
- (4) All points and places described in paragraph (1), on the one hand, and all points and places described in paragraphs (2) and (3), on the other hand;
- (5) All points and places in paragraph (2), on the one hand, and all points and places described in paragraph (3), on the other hand.

Service to, from or between points located laterally from the above highways may be performed via any or all available roads, highways or streets. Service between points within the Los Angeles Basin Territory and San Diego Territory may be performed via any and all available streets and highways. Service between points in the Los Angeles Basin Territory, on the one hand, and San Diego Territory, on the other hand, may be performed via U. S. Highway 395 as an alternate route for traversing purposes only and without service to any points located on and along said highway.

End of Appendix A

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LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard 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 and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

APPENDIX C TO DECISION NO. 73016

SAN DIEGO TERRITORY consists of the area bounded as follows: Beginning at the junction of Torrey Pines Road and U. S. Highway 101 (4 miles north of La Jolla); thence easterly to Miramar; thence southeasterly to Lakeside, located on State Highway 67; thence southerly to Bostonia; thence southeasterly to Jamul, located on State Highway 94; thence due south to the International Boundary; thence westerly along the International Boundary to the Pacific Ocean; thence along the Pacific coast to a point due west of the point of beginning; thence due east to the point of beginning.