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**ORIGINAL**

Decision No. 75734

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 RELIABLE DELIVERY SERVICE, INC., a  
 Corporation, to transfer and  
 JOSEPH N. LeBOW, an individual,  
 doing business as DESERT EMPIRE  
 EXPRESS, to Acquire a Portion of a  
 Certificate of Public Convenience  
 and Necessity Pursuant to  
 Sections 851-853 of the California  
 Public Utilities Code.

Application No. 50993  
 (Filed April 7, 1969)

O P I N I O N

Reliable Delivery Service, Inc., requests authority to sell and transfer and Joseph N. LeBow, doing business as Desert Empire Express, requests authority to purchase and acquire a portion of a certificated right authorizing the transportation of property as a highway common carrier.

The certificate was granted by Decision No. 74394, dated July 16, 1968, in Application No. 49630, and authorizes the transportation of general commodities between points in Southern California including the right to transport commodities requiring protection from heat by use of ice or mechanical refrigeration between points in the Los Angeles Basin Area. That portion of the certificate authorizing the transportation of commodities requiring refrigeration of temperature control is the subject of the proposed transaction. The cash consideration is \$10,000, of which values of \$3,000 have been placed upon the intrastate authority, \$4,000 upon certain interstate authority and \$3,000 for good will.

Applicant buyer is presently engaged as a certificated carrier in the transportation of commodities requiring protection from heat by use of ice or mechanical refrigeration between points in

the Los Angeles Territory to certain points in Los Angeles, Riverside, and San Bernardino Counties. Said authority is restricted to shipments not exceeding 10,000 pounds. As of May 31, 1968, applicant buyer indicated a net worth in the amount of \$80,157.

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

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1969, Reliable Delivery Service, Inc., may sell and transfer, and Joseph N. LeBow may purchase and acquire, the operative rights and other intangible assets referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, purchaser 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. Reliable Delivery Service, Inc., and Joseph N. LeBow shall amend or reissue their tariffs on file with this Commission naming the common carrier operations herein to show that Joseph N. LeBow has adopted or established as his own said rates and rules of the authority transferred to him and that said authority is excluded from Reliable Delivery Service, Inc., as authorized by the order in paragraph 1. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten 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. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the operating authorities granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser 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. Within thirty days after the effective date hereof, purchaser shall file a written acceptance of the certificate, the transfer of which is herein authorized. Purchaser is placed on notice that, if he accepts such certificate, 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-E.

6. Reliable Delivery Service, Inc., and Joseph N. LeBow shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

7. Concurrent with the tariff filings required by ordering paragraph 3 hereof, a certificate of public convenience and necessity is hereby granted to Joseph N. LeBow 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.

8. Within thirty days after the effective date hereof, Reliable Delivery Service, Inc., shall file a written acceptance of the certificate herein granted. Reliable Delivery Service, Inc., 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-E.

9. Concurrent with the tariff filings required by ordering paragraph 3 hereof, Appendix B of Decision No. 74394 is hereby amended by incorporating First Revised Page 1 attached hereto and by reference made a part hereof.

10. Concurrent with the tariff filings required by ordering paragraph 3 hereof and to the extent that applicant buyer's existing authority constitutes a duplication of the authority to be transferred, said existing authority is hereby revoked.

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11. Reliable Delivery Service, Inc., and Joseph N. LeBow shall comply with the requirements of the Commission's General Order No. 34-Series for the transportation of collect on delivery shipments. If the applicants do not elect to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 3rd  
day of JUNE, 1969.

William J. ...  
President

...  
Secretary

...  
Commissioners

Joseph N. LeBow, by the certificate of public convenience and necessity granted in the Decision noted in the margin, is authorized to transport general commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration, or requiring the use of special refrigeration or temperature control in specially designed and constructed equipment, between the following points and places:

1. Between all points and places in the Los Angeles Basin Territory as described in Appendix 3 attached hereto.
2. Between all points and places in the Los Angeles Basin Territory, on the one hand, and all points and places on and within ten (10) miles laterally of the following highways, on the other hand:
  - (a) California State Highway 14 between San Fernando and Mojave, inclusive.
  - (b) California State Highway 58 between Keene and Kramer Junction, inclusive.
3. Between all points and places in the Los Angeles Basin Territory, on the one hand, and the following points and places in the Counties of Los Angeles, Kern, or San Bernardino: Castaic, Pearblossom, Inyokern, China Lake, Ridgecrest, Westend, Argus, Trona, Johannesburg, Randsburg and Red Mountain (See Note).

NOTE: For service to and from points designated in Paragraph 3 above, applicant may use the most direct or convenient highways or roads, serving no intermediate points except those designated in Paragraph 2 above.

Applicant shall not transport any shipments of:

1. Used household 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.

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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, when such commodities require special equipment.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, sows, steers, stags or swine.
4. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Property necessary or incidental to the establishment, maintenance, or dismantling of oil, gas, or water wells, pipelines, refineries and cracking or casing head plants, when originating at or destined to a oil well site, construction site, or storage yard.
8. Logs.
9. Explosives.
10. Machinery weighing over 5,000 pounds per piece, which cannot be transported in van type equipment.
11. Commodities of abnormal size or weight which because of such size or weight require the use of special equipment.
12. Furniture, new or used, as described under that heading, in the Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof, stoves, refrigerators and lamp standards or electric lamps and shades

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when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).

13. All commodities in bulk.
14. Articles of extraordinary value as set forth in Rule 3 of Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
15. Commodities injurious or contaminating to other lading.
16. Trailer coaches and campers, including integral parts and contents, when the contents are within the trailer coach or camper.

(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; southwestwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwestwesterly 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; southwestwesterly 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.

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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, when such commodities require special equipment.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, 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 semi-plastic 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.
- 6(a) Trailer coaches and campers, including integral parts and contents, when the contents are within the trailer coach or camper. (Note: Supersedes Decisions Nos. 74082 and 74541 in Applications Nos. 40044, 44423 and 49032.)

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