

ORIGINAL

Decision No. 77646

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: )

BRINKS, INCORPORATED, a corporation,  
for a certificate of public conveni-  
ence and necessity as an express  
corporation of specified valuable  
commodities, authorizing operations  
between all points in the State of  
California, pursuant to Section 1010  
of the California Public Utilities  
Code.

Application No. 51852  
(Filed April 28, 1970)

O P I N I O N

Brinks, Incorporated (applicant), is a Delaware corporation having its principal office and place of business in Chicago, Illinois. Applicant has been qualified to transact intrastate business within the State of California. It is presently engaged in the transportation of property between all points and places in the State of California, pursuant to a highway contract carrier permit issued to it by this Commission (File No. T-72807, dated May 14, 1962). It holds no other operating authority of any kind or character from this Commission.

By this application, applicant requests a certificate of public convenience and necessity authorizing it to operate as an express corporation, as defined in Section 219 of the Public Utilities Code, for the transportation of monies, legal tender,

precious metals and stones, jewelry, stocks and bonds, negotiable and non-negotiable instruments and securities, postage and revenue stamps, and other valuable or rare documents, articles or objects, between all points and places in the State of California, using airline common carriers as its underlying common carriers.

The applicant alleges that public convenience and necessity require that it be granted the requested certificate of public convenience and necessity as an express corporation with respect to the above-described commodities for the reasons that, pursuant to arrangements heretofore entered into with various banks, brokerage houses and other shippers, the applicant is engaged in the transportation of the described valuable commodities between various points and places in the State of California; that such service, to the extent that it is conducted on the surface, is provided by armored car service pursuant to its highway contract carrier permit; that in addition to surface transportation, the applicant provides service daily, except Sunday, by air between the Los Angeles International Airport and the San Francisco International Airport; that the various shipments which have been picked up on the surface are consolidated and transported in the armored cars of applicant to the airports; and that they are transported between airports by a courier who, in turn, delivers them to an armored car at the arrival airport for delivery to the consignees.

As of December 31, 1969, applicant had current assets which it valued at \$9,191,127. It alleges that on said date its current liabilities totaled \$3,217,626. It further alleges that for the calendar year ending December 31, 1969, it had net earnings after taxes of \$6,655,528. ✓

The applicant alleges that if the application is granted, it will file a tariff reflecting airport-to-airport service between all airports within the State of California; and that service thereunder will be provided on a daily basis between the Los Angeles and San Francisco International Airports, and on an on-call basis between all other airports in the State of California. The applicant states that its charges for such service will be directly related to the value of the various commodities transported, the weight thereof and the frequency with which the applicant provides service.

The applicant states that the operations for which it seeks an express corporation certificate have been conducted by it for approximately eight years on the mistaken assumption that the Commission had no jurisdiction of such operations;<sup>1/</sup> that shippers rely upon the continued provision of such service; that the grant of the authority sought herein will have no adverse effect upon any common carrier for the reason that there is no other common carrier engaged in the provision of air courier service for the movement of the commodities applicant now carries between points in the State of California;<sup>2/</sup> and that the grant of the application will provide permanency to the present service and assure its continued availability to the shipping public.

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1/ On September 30, 1969, this Commission issued Decision No. 76236 in which it held that certain types of air shipments are express shipments requiring express corporation authority. The instant application was filed as a result of this decision.

2/ Our records show air express rates on file by R.E.A. Express in Air Express Tariff No. 1, Cal. P.U.C. No. 1.

Findings

The Commission finds that:

1. Applicant is a foreign corporation authorized to do business in California and is operating as an express corporation as defined in Section 219 of the Public Utilities Code for the transportation of monies, legal tender, precious metals and stones, jewelry, stocks and bonds, negotiable and non-negotiable instruments and securities, postage and revenue stamps, and other valuable or rare documents, articles or objects, between all points and places in the State of California, using airline common carriers as its underlying common carrier.

2. Applicant has the experience and finances with which to provide the proposed express corporation service, it is at present providing such service illegally and without authority from this Commission; and it was, until the issuance by this Commission on September 30, 1969, of Decision No. 76236, not aware of the illegality of such operations.

3. There is only one other express corporation as defined in Section 219 of the California Public Utilities Code using an airline common carrier as its underlying common carrier transporting the types of commodities applicant will carry.

4. Public convenience and necessity require that a certificate of public convenience and necessity as an express corporation for the transportation by underlying air carriers of the commodities listed in Finding No. 1 herein between any and all points in the State of California be granted to the applicant.

5. The application was listed on the Commission's calendar of April 30, 1970. No protests have been received. A public hearing is not necessary.

On the foregoing findings the Commission concludes that the application should be granted.

Brinks, Incorporated, 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. 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 hereby granted to Brinks, Incorporated, authorizing it to operate as an express corporation as defined in Section 219 of the Public Utilities Code using air common carriers as 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. Failure to do so may result in a cancellation of the operating authority granted by this decision.

- (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 it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to file annual reports of its operations.
- (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 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 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. 117.

- (e) Applicant shall comply with the requirements of the Commission's General Order No. 84-series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

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

Dated at San Francisco, California, this 25th day of AUGUST, 1970.

[Signature]  
Chairman

[Signature]

William J. ...

[Signature]

[Signature]  
Commissioners

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Appendix A

BRINKS, INCORPORATED  
(a corporation)

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Brinks, Incorporated, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as an express corporation as defined in Section 219 of the Public Utilities Code using air common carriers as the underlying carriers between all points in the State of California served by such common carriers, for the transportation of the following commodities:

Monies, legal tender, precious metals and stones, jewelry, stocks and bonds, negotiable and non-negotiable instruments and securities, postage and revenue stamps, and other valuable and rare documents, articles or objects.

Issued by California Public Utilities Commission.

Decision No. 77646, Application No. 51852.