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ORIGINAL

Decision No. 78867

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of LEITE DRAYAGE CO., INC., for a )  
certificate of public convenience )  
and necessity to extend highway )  
common carrier service. )

Application No. 52537  
(Filed April 7, 1971;  
Amended June 3, 1971)

O P I N I O N

Leite Drayage Co., Inc., presently providing service as a highway common carrier for the transportation of specified commodities between San Francisco, on the one hand, and Oakland, Berkeley and Richmond, on the other hand, requests authority to extend service for the transportation of general commodities, with certain exceptions, moving in both intrastate and interstate commerce between all points and places within the San Francisco Territory. Appropriate notice was published in the Federal Register.

The proposed service would be daily, with the exception of Saturdays, Sundays and holidays. Applicant is located in San Francisco. It owns and operates twelve units of equipment and as of December 31, 1970, indicated a net worth in the amount of \$29,384.

It is alleged that applicant has been operating in the San Francisco Bay area for many years; that its operations conducted as a highway common carrier and as a permitted carrier have expanded; that the frequency and scope of its permitted operations have increased to the point that certification to the extent herein proposed is necessary to meet the shipping needs and requirements of its customers for shipments moving in both intrastate and interstate commerce.

Copies of the application were served upon all existing carriers serving within the proposed area. The only protest was filed by Paxton Trucking Company, which withdrew its protest upon the filing of an amendment to the application excluding commodities transported in cargo containers except from San Francisco and Oakland to Burlingame on shipments having prior movement by rail.

After consideration the Commission finds that public convenience and necessity require applicant's service as a highway common carrier for the transportation of general commodities, moving in intrastate commerce and interstate commerce between points within the San Francisco Territory. A public hearing is not necessary.

Applicant 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 granted to Leite Drayage Co., Inc., a corporation, authorizing

it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points 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. Failure so to do 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 comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-F.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and shall amend or reissue its tariffs on file with the Commission to reflect the authority granted herein.
- (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 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.

- (f) 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.

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. 77578, 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 29th  
day of JUNE, 1971.

[Signature] Chairman  
William J. [Signature]  
[Signature]  
Yuma L. [Signature]  
Commissioners

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

Leite Drayage Co., Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities between all points in the San Francisco Territory as defined in Item 270-3 of Minimum Rate Tariff No. 2 subject to the following restrictions:

Applicant shall not transport any shipments of:

1. Uncrated used household goods, personal effects and office, store and institution furniture, fixtures and equipment.
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, oxen, pigs, sheep, sheep camp outfits, 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 semitrailers, or a combination of such highway vehicles.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.

Issued by California Public Utilities Commission.

Decision No. 78867, Application No. 52537.

6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Cement.
8. Logs.
9. Commodities of unusual or extraordinary value.
10. Commodities transported in cargo containers except from San Francisco and Oakland to Burlingame on shipments having prior movement by rail.

(END OF APPENDIX A)

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