

ORIGINAL

Decision No. 79422

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of STATES WAREHOUSES, INC., a
California corporation, for an
extension of its certificate of
public convenience and necessity
to operate as a highway common
carrier for the transportation
of property in interstate and
intrastate and foreign commerce,
and for an in lieu certificate
of public convenience and neces-
sity therefor.

Application No. 52647
(Filed May 26, 1971)

Donald Murchison, Attorney at Law, for applicant
Carl H. Fritze, Attorney at Law, for Brake De-
livery Service, City Transfer, Inc., Griley
Security Freight Lines, Imperial Truck Lines,
Inc., Qwikway Trucking Co., and S & M Freight
Lines; Richard S. Kopf, Attorney at Law, for
Pacific Motor Trucking Co.; Alvin H. Weissman,
Attorney at Law, for Los Angeles City Express;
William F. Clements, Attorney at Law, for Same
Day Delivery Service and Auto Fast Freight,
Inc.; Robert Manlowe, for Cal Canadian Motor
Express; and Marshall G. Berol, Attorney at
Law, for Ted Peters Trucking Company, inter-
ested parties.

O P I N I O N

By its original application States Warehouses, Inc., presently providing service as a highway common carrier for the transportation of general commodities moving in intrastate, interstate and foreign commerce, from its warehouse in Vernon, on the one hand, to all points and places in the Los Angeles Basin Territory, on the other hand, requested authority to extend such service to, from, and between all points and places within the Los Angeles

Basin Territory. Copies of the original application were served upon all existing carriers serving within the proposed area and appropriate notice was filed in the Federal Register.

As the result of many protests to the application a public hearing was held before Examiner Daly at Los Angeles on October 5, 1971, at which time and place the matter was submitted upon the receipt of late-filed Exhibit 9, which has been since filed and considered.

During the course of hearing the application was amended by limiting the proposed service to the transportation of shipments moving in intrastate, interstate and foreign commerce between the warehouses of applicant, in La Mirada and Vernon, and points and places within five miles thereof, on the one hand, and points and places, in the Los Angeles Basin Territory, on the other hand, including local service wholly within the five-mile radius of said warehouses in La Mirada and Vernon and including service between the said warehouses and points and places within five miles thereof. Upon amendment to the application all protesting parties withdrew their protests and changed their appearances to interested parties.

Applicant proposes a daily "on-call" service Monday through Saturday. Applicant owns and operates 47 units of equipment and as of March 31, 1971, indicated a net worth in the amount of \$164,492.

Applicant was prepared to call 21 public witnesses representing companies engaged in the distribution of a wide variety of commodities, who would have testified in support of the application as amended. With the withdrawal of all protests the names of these individuals, the companies that they represent and a list of the commodities which they ship both in intrastate and interstate commerce were received in evidence as late-filed Exhibit 9.

After consideration the Commission finds that public convenience and necessity require applicant's service as a highway common carrier on shipments moving in intrastate, interstate and foreign commerce as more specifically set forth in the ensuing order.

Applicant's operating authority will be restated in the form of a new certificate in loose-leaf form.

States Warehouses, Inc., 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, these 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 States Warehouses, 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 and within the area particularly set forth in Appendices A and B, 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 amend its tariffs on file in triplicate, in the Commission's office, 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. 62520, dated September 5, 1961, in Application No. 41360, as amended by Decision No. 74082, dated May 7, 1968, in Application No. 48547, 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 30th day
of NOVEMBER, 1971.

Chairman

Commissioners

States Warehouses, 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 as follows:

Between the warehouses of States Warehouses, Inc., at La Mirada and Vernon, California, and points and places within five miles thereof, on the one hand, and points and places in the Los Angeles Basin Territory described in Appendix B attached hereto, on the other hand, including local service wholly within the five-mile radius of said warehouses in La Mirada and Vernon, California, and including service between the said warehouses and points and places within five miles thereof.

Carrier is authorized to use all available public highways between points to be served as hereinabove mentioned, and within the cities hereinabove to be served, and to use such streets and highways as may be necessary to serve consignors and consignees located within said cities.

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Carrier shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Paragraph (d) of Item No. 5 of Minimum Rate Tariff No. 4-B.
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.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
5. 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.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Commodities of abnormal size or weight which, because of such size and weight, require the use of and are transported on low-bed equipment.
10. 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; 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 shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX B)

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