

ORIGINAL

Decision No. 80002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SPECIAL SERVICE TRANSPORTATION)
CORPORATION, LTD., a corporation,)
to transfer to JACK THOMPSON)
TRUCKING, INC., a corporation,)
certain operating authorities)
evidenced by a certificate of)
public convenience and necessity.)

Application No. 53123
(Filed February 2, 1972)

O P I N I O N

This is an application of Special Service Transportation Corporation, Ltd., a corporation, (hereinafter referred to as SST) and Jack Thompson Trucking, Inc., a corporation, (hereinafter referred to as Thompson).

By Decision No. 60965, dated October 25, 1960, in Application No. 42276, as amended by Decision No. 61813, dated April 11, 1961, SST was granted a certificate of public convenience and necessity which authorized the transportation of motion picture films and related commodities and also, commodities dealt in by retail and wholesale grocery establishments between the Los Angeles Territory, on the one hand, and Mettler, Fresno and other points, on the other hand. Its certificate was further amended in Decision No. 78634. Attached to the application, marked Exhibit A, is the portion of said decision enumerating its present operating authority.

SST also holds a Certificate of Registration issued by the Interstate Commerce Commission as evidence of the right of SST, under the pertinent provision of Section 206(a)(7) of the Interstate Commerce Act, as amended, to engage in transportation in interstate or foreign commerce as a common carrier by motor vehicle solely within this State. Attached to the application, marked Exhibit B, is a copy of said Certificate of Registration.

SST proposes to transfer to Thompson that portion of its certificate of public convenience and necessity, issued by this Commission, all as referred to hereinabove, authorizing the transportation of commodities dealt in by retail and wholesale grocery establishments in the Los Angeles Territory and Buena Park, on the one hand, and, on the other hand, all points and places on and within 20 miles laterally of the following highways:

- (1) Intersection of State Highways 99 and 166, thence to Taft via State Highways 166 and 33, inclusive;
- (2) State Highway 119 between Greenfield and Taft, inclusive;
- (3) State Highways 58 and 178 between McKittrick and Isabella, inclusive;
- (4) State Highway 155 between Isabella and Kernville, inclusive; and
- (5) State Highway 99 between Mettler and Fresno, inclusive.

SST proposes to retain that portion of its certificate of public convenience and necessity authorizing the transportation of motion picture films and related supplies and accessories between:

Los Angeles, Greenfield, Ford City, Taft, Buttonwillow, Oildale, Bakersfield, Arvin, Lamont, Tehachapi, Mojave, Ridgecrest, Trona, Camp Irwin, Barstow, Lenwood, Victorville, Boron, Muroc, Deuel Vocational Institute, Lancaster and Palmdale,

subject to the following conditions:

- (a) Applicant shall transport only shipments originating at or consigned to theatres, churches and schools, and other places where films are shown.
- (b) Applicant shall conduct operations over and along U. S. Highways 6, 66, 395 and 466; State Highways 99, 119 and 178, and any and all other streets, roads and highways necessary or convenient for the performance of the service herein authorized.

Thompson presently conducts operations as a for-hire motor carrier to and between points within the State of California pursuant to a contract carrier permit, and a radial highway common carrier permit, issued to it in File No. T-75,119. Said permitted authority was issued to Thompson by this Commission on or about March 21, 1963.

Exhibit G, a balance sheet as of September 30, 1971 attached to the application, shows a net worth for SST of \$119,832.

Exhibit H, a balance sheet as of August 31, 1971 attached to the application, shows a net worth for Thompson of \$185,745.91.

Exhibit I attached to the application is a list of equipment owned and operated by Thompson.

Applicants submit that the proposed transfer will be in the public interest for the following reasons.

SST has been engaged in the transportation of motion picture films and retail and wholesale grocery commodities to and between those points which are authorized by the certificate of public convenience and necessity which is the subject of the transfer proposed herein. SST now proposes to confine its activities in this particular area of commerce to transportation of motion picture films and related commodities, which require specialized handling and treatment. They are separate and distinct from grocery items, many of which require temperature control to protect them from heat and cold.

Thompson is an experienced and reliable motor carrier having served members of the general shipping public within the State of California, in particular within the area encompassed by the authority sought to be transferred herein, for some nine years pursuant to its contract carrier authority issued by the Commission. It is proposed that approval of this transfer will allow Thompson to provide service all to the permanent and continuing benefit of the members of the shipping public.

There will be no transportation service interruption as a result of this transfer. Members of the shipping public heretofore served by SST in the geographical area encompassed by the operating

authority sought to be transferred, will continue to be efficiently and responsively served by Thompson as a result of this transfer.

In addition, there will be no duplication of authority to any carrier directly or indirectly involved.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Special Service Transportation Corporation, Ltd., and the issuance of certificates in appendix form to Special Service Transportation Corporation, Ltd., and Jack Thompson Trucking, Inc.,

Applicants are 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. On or before December 1, 1972, Special Service Transportation Corporation, Ltd., may sell and transfer, and Jack Thompson Trucking, Inc., may purchase and acquire, the operative rights and property 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. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that Special Service Transportation Corporation, Ltd., has withdrawn or canceled and Jack Thompson Trucking, Inc., has adopted or established as its own said rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five 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-Series. Failure to comply with and observe the provisions of General Order No. 80-Series may result in a cancellation of the operating authority 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, unless seller continues operations under a certificate or under a permit with revenues requiring the filing of an annual report on the operations retained.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, certificates of public convenience and necessity are granted to Special Service Transportation Corporation, Ltd., and Jack Thompson Trucking, Inc., corporations, authorizing them to operate as highway common carriers, as defined in Section 213 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendices A, B and C attached hereto and made a part hereof.

6. The certificates of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 60965, as amended by Decisions Nos. 61813 and 78634, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

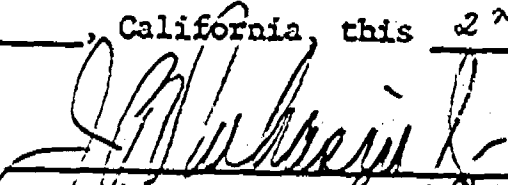
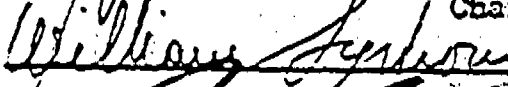

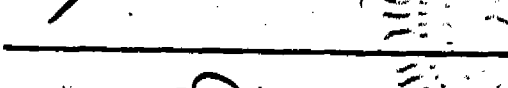
7. Within thirty days after the transfer herein authorized is consummated, applicants shall file written acceptances of the certificates herein granted. Applicants are placed on notice that, if they accept the certificates of public convenience and necessity herein granted, they will be required, among 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-Series.

8. Applicants 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 its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

9. Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants elect not 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 twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of MAY, 1972.


Chairman



Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Special Services Transportation Corporation, Ltd., 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 specified commodities as follows:

Motion picture films, film supplies and accessories limited to projecting machinery and parts thereof, lighting effect including carbons and bulbs, advertising matter, tickets, programs, candy, chewing gum, popcorn bags and boxes.

Transportation is authorized between Los Angeles, Greenfield, Ford City, Taft, Buttonwillow, Oildale, Bakersfield, Arvin, Lamont, Tehachapi, Mojave, Ridgecrest, Trona, Camp Irwin, Barstow, Lenwood, Victorville, Boron, Muroc, Deuel Vocational Institute, Lancaster and Palmdale.

This certificate of public convenience and necessity is subject to the following conditions:

1. Applicant shall transport only shipments originating at or consigned to theatres, churches, schools and other places where films are shown.
2. Applicant shall conduct operations over and along U. S. Highways 6, 66, 395 and 466; State Highways 99, 119, 178 and any and all other streets, roads and highways necessary or convenient for the performance of the service herein authorized.

(END OF APPENDIX A)

Issued by the California Public Utilities Commission.

Decision No. 80002, Application No. 53123.

Jack Thompson Trucking, 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 specified commodities as follows:

Commodities dealt in by retail and wholesale grocery establishments as listed in the National Motor Freight Classification A-12, William Herbold, Issuing Officer on the issue date thereof, as follows:

WHEN REQUIRED, TEMPERATURE CONTROL FROM HEAT OR COLD MAY BE ACCORDED.

BAKERY GOODS, as described in Items 21160 through 21230.

CANDY OR CONFECTIONERY, as described in Items 39900 through 40100.

CASINGS, as described in Items 172440 through 172480.

CEREAL FOOD PREPARATIONS, as described in Items 42300 through 42435.

CHEMICALS, as described in Items 42600 through 47430.

DAIRY PRODUCTS, as described in Items 55360 through 55660.

DECORATIONS, as described in Items 55750 through 56280.

DRUGS, MEDICINE OR TOILET PREPARATIONS, as described in Items 58500 through 60006.

FEED, ANIMAL OR POULTRY, as described in Items 66700 through 67882.

FISH, FROZEN, as described in Items 69700 through 69980 (excluding fresh fish).

FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT NAMED IN OTHER MORE SPECIFIC GROUPS, NOT COLD-PACK NOR FROZEN, UNLESS OTHERWISE SPECIFIED, as described in Items 72000 through 75490.

Issued by California Public Utilities Commission.

Decision No. 80002, Application No. 53123.

GRAIN PRODUCTS, as described in Items 89300 through 89770.

LIQUORS, BEVERAGE, as described in Items 111400 through 111510.

MEATS, COOKED, CURED, PRESERVED; LARD; LARD SUBSTITUTES;
RENDERED PORK FATS; OR DRESSED POULTRY, as described in
Items 134400 through 134890 (excluding fresh meats).

NUTS, EDIBLE, as described in Items 141600 through 141860.

OILS, OTHER THAN PETROLEUM, as described in Items 144600
through 145510.

PASTE, as described in Items 154700 through 154800.

PETROLEUM OR PETROLEUM PRODUCTS, INCLUDING COMPOUNDED OILS
OR GREASES HAVING A PETROLEUM BASE, as described in
Items 155100 through 155360.

PLASTIC OR RUBBER ARTICLES, as described in Items 156500
through 157205.

WAX, as described in Items 196560 through 196880.

MISCELLANEOUS COMMODITIES, VIZ.:

Bleach, laundry, as described in Item 24080.

Bluing, laundry, as described in Items 24330 through 24350.

Buffing or polishing compounds, as described in Item 33440.

Cabinets, dispensers or holders, as described in Item 39230.

Candles, as described in Item 39810.

Cellulose film or film products, as described in Items 41820
through 41870.

Charcoal and charcoal briquettes or pellets, as described in
Items 42470 through 42480.

Cigar or cigarette lighter liquids or pastes, as described
in Item 47720.

Cleaners, tobacco pipe, as described in Item 48560.

Cleaning, scouring or washing compounds, as described in
Items 48580 through 48582.

Combs, as described in Item 50040.

Confectioners' colorings, as described in Item 50026.

Cordage, as described in Items 53390 through 53393.

Liquors or liquids, nonalcoholic, as described in Item 111600.

Mats, as described in Items 134220 through 134260.

Notions, as described in Item 141120.

Issued by California Public Utilities Commission.

Decision No. 80002, Application No. 53123.

Pipe stems or mouthpieces, or cigar or cigarette holders,
as described in Item 155730.
Pipes, tobacco, as described in Item 155740.
Popcorn, as described in Item 89150.
Rennet extract, as described in Items 169320 through 169340.
Starch, as described in Items 178720 through 178760.
Steel wool, as described in Items 101260 and 200160.
Stoppers, bottle, as described in Item 179480.
Tires or tubes, rubber, as described in Items 157220
through 157238.
Toasters, as described in Item 101420.
Wrappers, as described in Items 200220 and 41820.

Transportation is authorized BETWEEN Buena Park and points
in the Los Angeles Territory, as described in Appendix C
attached hereto, on the one hand, and, on the other hand,
all points and places on and within 20 miles laterally of
the following highways:

1. Intersection of State Highways 99 and 166 thence to
Taft via State Highways 166 and 33, inclusive;
2. State Highways 58 and 178 between McKittrick and
Isabella, inclusive;
3. State Highway 119 between Greenfield and Taft, inclusive;
4. State Highway 155 between Isabella and Kernville,
inclusive; and
5. State Highway 99 between Mettler and Fresno, inclusive.

(END OF APPENDIX B)

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Decision No. 80002, Application No. 53123.

LOS ANGELES TERRITORY

Beginning at the intersection of Sunset Boulevard and U. S. Highway 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway 19; southerly along State Highway 19 to its intersection with U. S. Highway 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway 101, Alternate; thence northerly along an imaginary line to point of beginning.

(END OF APPENDIX C)

Issued by California Public Utilities Commission.

Decision No. 80002, Application No. 53123.