

ORIGINAL

Decision No. 80612

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Merrill E. Wolkins, doing business
as California Mail Delivery Service,
for a certificate of public convenience
and necessity authorizing the trans-
portation of general commodities
between points within San Francisco
Territory and other designated points.

Application No. 53357
(Filed May 26, 1972)

O P I N I O N

By his application, as amended, Merrill E. Wolkins, doing business as California Mail Delivery Service, requests authority to operate as a highway common carrier for the transportation of shipments of general commodities, with certain exceptions, moving in intrastate, interstate and foreign commerce between all points in the San Francisco Territory and surrounding areas. An appropriate notice was published in the Federal Register. A protest filed by Delta Lines, Inc. was subsequently withdrawn following an amendment to the application restricting shipments to 500 pounds or less and to the use of vehicles not exceeding a licensed weight of 4,000 pounds.

The proposed service would be daily, Monday through Friday. The time in transit would be both same-day and overnight, depending upon the time of day requests for service are received. The proposed rates would be comparable to those set forth in Minimum Rate Tariff 2 and other applicable minimum rate tariffs.

Applicant owns and operates five units of equipment and as of March 31, 1972, indicated a net worth in the amount of \$6,327.

It is alleged that applicant first commenced operations as a radial highway common carrier in 1970; that his operations have expanded to the extent that he now serves a large number of shippers; and that applicant now finds himself in the position of either being compelled to curtail his service or to ask for increased authority commensurate with the service which he is presently making available to the shipping public.

After consideration the Commission finds that public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by the order herein. A public hearing is not necessary.

Merrill E. Wolkins 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 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. A certificate of public convenience and necessity is granted to Merrill E. Wolkins 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 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 he accepts the certificate of public convenience and necessity herein granted, 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-Series.
- (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 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-Series.
- (e) Applicant shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.


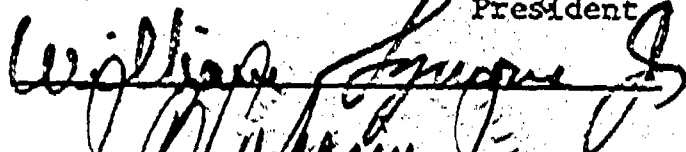
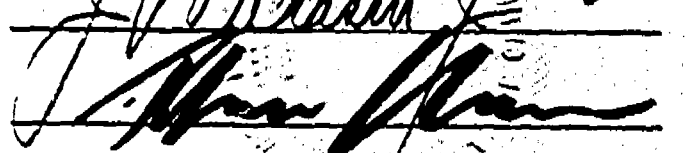

- (F) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, he shall make the appropriate tariff filings as required by the General Order.

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

Dated at Los Angeles, California, this 17th day of OCTOBER, 1972.

I dissent:


Commissioner


President



Commissioners

Merrill E. Wolkins, 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, in vehicles not exceeding a licensed weight of four thousand pounds, except petroleum products in bulk in tank vehicles, livestock, fresh fruits and vegetables, commodities of unusual value, uncrated used household goods, commodities requiring mechanical refrigeration equipment and shipments in excess of five hundred pounds;

- A. Between all points in the San Francisco Territory as described in Note A.
- B. Between all points on and within the following routes:
 - 1. U.S. Highway 101, between San Francisco and Sausalito, inclusive;
 - 2. Interstate Highway 80, between San Pablo and Crockett, inclusive;
 - 3. Unnumbered road and route between Crockett and Martinez, inclusive;
 - 4. Unnumbered road and route between Martinez and Pittsburg, inclusive;
 - 5. Unnumbered road and route between Pittsburg and Antioch, inclusive;
 - 6. State Highway 4 between Antioch and the Willow Pass Road Intersection, inclusive;
 - 7. Willow Pass Road between the intersection of Highway 4 and the intersection of Interstate Highway 680, inclusive;

Issued by California Public Utilities Commission.

Decision No. 80612, Application No. 53357.

8. State Highway 4 between its intersection with Willow Pass Road and its intersection with Port Chicago Highway, inclusive;
 9. Monument Boulevard between its intersection with State Highway 24 and its intersection with Willow Pass Road, inclusive;
 10. State Highway 4 between its intersection with Port Chicago Highway and its intersection with State Highway 24, inclusive;
 11. State Highway 24 between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive;
 12. Interstate Highway 680 between its intersection with State Highway 24 and its intersection with U.S. Highway 50 at Dublin;
 13. Interstate 680 between its intersection with U.S. Highway 50 at Dublin and its intersection at Bernal Avenue, inclusive;
 14. Bernal Avenue between its intersection with Interstate Highway 680 and the City of Pleasanton, inclusive;
 15. Interstate Highway 680 between its intersection with U.S. Highway 50 at Dublin and its intersection with State Highway 238 at Mission San Jose.
- C. Through routes and rates may be established between any and all points specified in paragraphs A and B above.
- D. All intermediate points on said routes and all off-route points within the outer perimeters of the routes designated herein may be served.

Issued by California Public Utilities Commission.

Decision No. 80612, Application No. 53357.

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point 1 mile west of State Highway 82; southerly along an imaginary line 1 mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Miles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue

Issued by California Public Utilities Commission.

Decision No. 80612, Application No. 53357.

to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 80612, Application No. 53357.