

ORIGINALDecision No. 80914

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MISSION CITIES FREIGHT LINES, INC.,
for a certificate of public convenience
and necessity authorizing the transpor-
tation, as a highway common carrier,
of general commodities between points
within the San Francisco territory, and
of specified commodities between various
points within California.

Application No. 53597
(Filed September 21, 1972)

O P I N I O N

Applicant operates pursuant to a radial highway common carrier permit which authorizes the transportation of general commodities, with the usual exceptions, between all points within a radius of 350 miles from Santa Clara.

By the application herein, applicant seeks a certificate of public convenience and necessity to transport in intrastate, interstate, and foreign commerce general commodities with certain exceptions between all points and places in the San Francisco Territory and floor coverings, paint, conduit fittings, and appliances between San Jose, Santa Cruz, Watsonville, Monterey, Salinas, Hollister, and intermediate points. The San Francisco Territory covers generally the area surrounding San Francisco Bay. A copy of the application has been filed with the Interstate Commerce Commission under Section 206(a)(6) of the Interstate Commerce Act, and notice thereof appeared in the Federal Register on October 4, 1972. No protests to the granting of the sought authority have been received.

Applicant will provide service, Monday through Friday, with same-day or overnight service depending on when the goods to be delivered are received. The rates to be assessed will be the same scale as those contained in the Commission's Minimum Rate Tariff 2 and other applicable minimum rate tariffs. A tariff containing such rates and related rules and regulations will be filed

by applicant upon receipt of the sought authority. Applicant's Statement of Financial Position as of August 31, 1972, shows total assets of \$17,069.72, total liabilities of \$9,203.11, and stockholders' equity of \$7,866.61. For the five months ending August 31, 1972, it had gross operating income and expenses of \$80,008.82 and \$89,590.61, respectively, with a resulting net loss of \$9,582.39. The application asserts that applicant is a newly formed corporation and initial costs of incorporation have detracted from the profitability of its overall operation during the first months of operation. Applicant leases six bobtail trucks. It owns no equipment.

The application alleges that within recent months, the number of customers served by applicant within the area involved herein has increased considerably; that as a result thereof, applicant has increased the frequency of its service within this area to such an extent that a certificate is a more appropriate authority to continue this operation; and that the sought authority will enable applicant to afford the character of service that will meet the requirements of its shippers.

Upon consideration, the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed service.

2. 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.

3. Public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order. The territorial description of the authority granted herein reflects the names of redesignated highways and roads and does not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

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, 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 Mission Cities Freight Lines, Inc., 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-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 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.

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

Dated at San Francisco, California, this 9th
day of JANUARY, 1973.

I dissent:

Ed Holman Cr.

William S. Symons, Jr.
President
William S. Symons, Jr.
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Mission Cities Freight Lines, Inc., 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:

- I. General commodities, except as hereinafter provided, between all points and places in the San Francisco Territory, as described in Note A.
- II. Specified commodities, viz; Tile, Linoleum, Carpet, Carpet Padding, Paint, Conduit Fittings and Appliances between any and all points on or within ten miles of the following routes and all off-route points encompassed by the outer perimeters of the designated routes:
 - A. State Highway 17 between its intersection with State Highway 9 at Los Gatos and its intersection with State Highway 1 at Santa Cruz, inclusive.
 - B. State Highway 1 between its intersection with State Highway 17 at Santa Cruz and its intersection with State Highway 68 at Monterey, inclusive.
 - C. State Highway 156 West from its intersection with State Highway 1 at Castroville to its intersection with U.S. Highway 101, inclusive.
 - D. State Highway 68 between its intersection with State Highway 1 at Monterey and its intersection with U.S. Highway 101 at Salinas, inclusive.
 - E. U. S. Highway 101 between its intersection with State Highway 68 at Salinas and its intersection with Tully Road at San Jose, inclusive.

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- F. State Highway 156 East between its intersection with U. S. Highway 101 near San Juan Bautista and its intersection with State Highway 152, inclusive.
- G. State Highway 152 between its intersection with State Highway 156 East and its intersection with State Highway 1 at Watsonville, inclusive.

III. Through routes and rates, for the specified commodities, may be established between any and all points specified in paragraphs I and II above.

Pursuant to the authority granted herein, carrier shall not transport any shipments of:

- 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 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.

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4. Liquids, compressed gases, commodities in semiplastic 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.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
8. Logs.
9. Articles of extraordinary value.

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NOTE A.

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 one mile west of State Highway 82; southerly along an imaginary line one 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 two 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 Niles 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 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

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