

Decision No. 80939

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HARDING'S FREIGHT SERVICE, a corpora-
tion, for an extended and in lieu
certificate of public convenience and
necessity as a highway common carrier
of general commodities, with specified
exceptions, between points in San
Diego County and between San Diego and
Devore, serving all intermediate points
on Interstate Highway 15 and all off-
route points located within ten miles
laterally of said highway (except
those in the San Bernardino National
Forest), pursuant to Sections 1063-1064
of the California Public Utilities Code.)

Application No. 53383
(Filed June 7, 1972)

O P I N I O N

Harding's Freight Service, a corporation, is a high-
way common carrier presently transporting general commodities,
with some exceptions, between all points and places in the
western portion of San Diego County. A certified copy of its
articles of incorporation have been heretofore filed with the
Commission.

Applicant is presently operating under provisions
of a certificate of public convenience and necessity issued
in Decision No. 60337 dated June 28, 1960 in Application No.
41421 and transferred to applicant by Decision No. 61230
dated December 20, 1960 in Application No. 42839.

Applicant also is the owner and holder of a certifi-
cate of registration issued by the Interstate Commerce
Commission in Docket No. MC-120782 (Sub-No. 2) under the

provisions of Section 206(a)(7) of the Interstate Commerce Act. Applicant is also engaged in the transportation of property between points in the State of California pursuant to a highway contract carrier permit.

Applicant requests an extension of its certificate pursuant to the provisions of Sections 1063 and 1064 of the California Public Utilities Code, and also is seeking a coextensive certificate of registration under the provisions of Section 206(a)(6) of the Interstate Commerce Act. The authority sought is for the transportation of general commodities with specified exceptions, between points in San Diego County and between San Diego and Devore, including all intermediate points on Interstate Highway 15 and within 10 miles laterally of said route.

Proof of publication of notice dated June 16, 1972 in the Federal Register on June 21, 1972 is on file, Exhibit No. 1. Attached to the application is a certificate of service listing 40 highway common carriers with whom the proposed service is likely to compete and the California Trucking Association at Burlingame and Los Angeles. The filing of the application was also listed in the Commission's Daily Calendar of June 8, 1972. No protests to the application are on file.

Applicant proposes to assess the rates set forth in the following tariffs of Western Motor Tariff Bureau, Inc., Agent: Local Joint and Proportional Freight Tariff No. 111 (Cal. P.U.C. No. 15); Local and Proportional Freight Tariff No. 104-A (Cal. P.U.C. No. 23); Local Freight Tariff No. 113 (Cal. P.U.C. No. 19); Local Freight and Express Tariff No. 118 (Cal. P.U.C. No. 29); Local Freight and Express Tariff No. 126 (Cal. P.U.C. No. 33).

The applicant also publishes its own Harding's Freight Service, Local Parcel Tariff No. 1 (Cal. P.U.C. No. 1), Earl Dowdy, Issuing Officer.

Applicant's balance sheet dated December 31, 1971 shows:

Current Assets	\$25,155.37
Net Property and Equipment	74,517.67
Other Assets	24,796.92
Total	<u>124,469.96</u>

Statement of Profit and Loss shows for 1971:

Operating Revenue	\$358,483.35
Net Income	1,152.31

Applicant's equipment list describes 21 motorized vehicles.

The proposed General Commodities with exceptions attached to the application is received as Exhibit 2.

The description of routes is received in evidence as Exhibit 3.

The map of service area is received as Exhibit 4.

The balance sheet dated December 31, 1971 is received as Exhibit 5.

The profit and loss statement is received as Exhibit 6.

The equipment list is received as Exhibit 7.

Exhibits 2 through 7 are attached to the application.

The applicant alleges that public convenience and necessity require that it be authorized to extend its service and be granted an extended certificate of public convenience and necessity for the following reasons:

Applicant's present certificate of public convenience and necessity was issued to Robert F. Harding, predecessor to the Applicant on June 28, 1960. In 1960 the population of the County of San Diego was 1,033,011 which was concentrated primarily along the Pacific Ocean, with some rural communities located within the vicinity of U. S. Highway 395 (recently designated Interstate Highway 15). During the decade following the 1960 official census, San Diego County enjoyed a phenomenal 27.6% increase in population, and by 1970 had a population of 1,318,022 causing it to rank fifteenth among

the nation's largest counties, and third among the counties of the State of California.

Since 1960 a significant portion of the growth has occurred, and continues to occur, in the balance of the County which lies east of the present service area. Applicant further alleges communities and industries have begun to spring up along Interstate Highway 15 north of the present service area, and the Riverside-San Bernardino area has become an increasingly important commercial area. This has been coupled with a major increase in the commercial activities of the greater San Diego metropolitan area, as the result of which this metropolitan area now serves as a major supply point for communities throughout San Diego County, as well as to points as far north as Devore in the Cajon Pass. In some respects this result has been reciprocal with the Riverside-San Bernardino area which also has tended to be an increasingly important supply source on some commodities required by industries and consumers alike in San Diego County.

Applicant alleges there have been increasing demands, both within the present service area and in the proposed extended area, for applicant to expand its operations in the general area of its present service territory so as to make it available to the eastern part of San Diego County.

Upon consideration of the evidence, the Commission finds that:

1. Applicant possesses the experience, equipment, personnel, and financial resources to institute and maintain the transportation service hereinafter authorized.
2. The extension of applicant's territory as requested will not adversely affect other carriers or result in an impairment of their existing services.

3. The population, business, and industrial growth in the San Diego eastern territory and on Highway 395 to San Bernardino and Riverside in recent years has been extensive, and this has caused expansion of traffic and transportation in all of San Diego County so that the extension of applicant's routes will enable applicant to render more efficient service.

4. Public convenience and necessity require that applicant be authorized to transport general commodities, with exceptions, in San Diego County and to San Bernardino, Riverside, and Devore along Interstate Highway 15 as more particularly set forth in the ensuing order.

5. 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 interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations now being conducted or authorized to be conducted herein.

6. A public hearing is not necessary.

The Commission concludes that the application should be granted as specified in the ensuing order.

Decision No. 60337 dated June 28, 1960 in Application No. 41421 granted to applicant's predecessor an in-lieu certificate, which was transferred to applicant by Decision No. 61230 dated December 20, 1960 in Application No. 42839. A new appendix was not issued therein. Because its new authority has not been registered with the Interstate Commerce Commission, it is deemed advisable to restate its certificate in order to clarify its operating authority. Accordingly, a new certificate will be issued which will include all of the applicant's present authority, which has been registered with the Interstate Commerce Commission and the new authority herein authorized. 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.

Harding's Freight Service, a corporation, 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 Harding's Freight Service, 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 over the routes particularly set forth in Appendix A attached hereto and hereby made a part hereof.

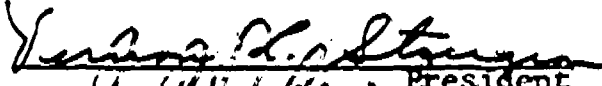



2. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede all existing certificates of public convenience and necessity authorizing the transportation of general commodities heretofore granted to or acquired by Harding's Freight Service, a corporation, and presently possessed by it, which certificates are superseded effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

3. 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 amend 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 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.

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

Dated at San Francisco, California,
this 9th, day of JANUARY, 1975.


President



Commissioners

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

HARDING'S FREIGHT SERVICE, by the certificate of public convenience and necessity granted in 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:

1. Between all points and places within the County of San Diego;
2. Between San Diego and Devore, serving all intermediate points on Interstate Highway 15 and all off-route points located within ten miles laterally of said highway (except those in the San Bernardino National Forest);
3. Through routes and rates may be established between any and all points specified in subparagraphs 1 and 2 above.

Except that 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.

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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. 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.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
9. Explosives and other dangerous articles.
10. Newspapers.

(END OF APPENDIX A)