

Decision No. 82578

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
RELIABLE DELIVERY SERVICE, INC., a  
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 intrastate and interstate and foreign  
commerce.

Application No. 53952  
(Filed April 9, 1973)

Milton W. Flack, Attorney at Law, for applicant.  
Russell & Schureman, by Carl H. Fritze, Attorney  
at Law, for Shippers-Imperial, Inc. and  
Los Angeles City Express, Inc., interested parties.

O P I N I O N

Public hearings in the application were held before Examiner Rogers in Los Angeles on September 19 and 20, 1973 and January 14, 1974. On the latter day the application was amended to include operations in intrastate commerce between the Los Angeles Basin Territory, on the one hand, and all points and places on State Highway 71, between its intersections with State Highway 79, near Aguanga, and with U.S. Highway 395, on the other hand. The application was further amended to exclude service to Palm Springs and all protests were withdrawn. Applicant certified that a copy of the application was served on the California Trucking Association.

Applicant, a highway common carrier of general commodities serving between points in California south and east of Castaic, Inyokern, China Lake, Camp Irwin, and Twentynine Palms, requests authority to extend service in intrastate and interstate and foreign commerce as set forth in Appendices A and B herewith.

Applicant proposes to transport general commodities with certain exceptions. Notice of the filing of the application was published in the Federal Register of April 25, 1973.

Applicant proposes to provide overnight service Monday through Friday, and Saturday upon request, Sundays and holidays excepted.

Applicant is a party to Western Motor Tariff Bureau, Inc., Agent, tariff publications, both as to intrastate and interstate and foreign commerce operations. In the proposed service it will establish rates substantially in conformity with rates and charges presently published in the above-described tariffs.

Evidence was received showing the financial condition of applicant and describing its equipment and facilities.

The evidence in support of the application is summarized as follows:

Applicant has operated as a permitted carrier between the points proposed to be served herein continuously for a period of years; it has received numerous requests from various shippers having movements of the commodities involved in this application to, from, and between the points and places located in the area which applicant proposes to serve as a common carrier; during the past several years there has been a substantial increase in population and industry in the points and places presently served and proposed to be served by applicant; the areas to be served which are included in this application for extension of applicant's highway common carrier certificated authority include resorts, private homes, Indian reservations, mountain and wilderness centers, summer camps, and mobile home parks; during the past few years there has been an increased demand for regular service to be provided to these points and places; there is a lack of an adequate highway

common carrier transportation service of the type that would be rendered by applicant from, to, and between all of the points and places sought to be served herein; applicant's regular customers frequently have occasion to tender shipments which require split deliveries where one delivery is within applicant's certificated area and one delivery is within applicant's permitted area, and this places a great burden upon applicant's regular customers.

Findings

1. Applicant is presently certificated to provide service as a highway common carrier between points in southern California, and it also operates as a permitted carrier between other points in southern California. By the herein application it seeks authority to extend its services as a highway common carrier in intrastate, interstate, and foreign commerce service between the Los Angeles Basin Territory and points and places therein, on the one hand, and points and places on State Highways 71 and 74, on the other hand, subject to restriction against serving the city of Palm Springs.<sup>1/</sup>

2. Applicant possesses the necessary experience, equipment, facilities, and financial ability to provide the proposed service.

3. Eight of applicant's customers desire that applicant be permitted to operate as a highway common carrier to and from the points requested.

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<sup>1/</sup> The amendment filed at the hearing did not affect the original application as to State Highways 71 and 79 as a convenience route in interstate and foreign commerce.

4. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce and in interstate and foreign commerce within limits which do not exceed the scope of the authority granted herein.

5. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted as hereinafter set forth.

Reliable Delivery Service, Inc., a corporation, is 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. 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 Reliable Delivery Service, 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 over the routes set forth in Appendices A and B attached hereto and made a part hereof, as an extension of and to be consolidated with its existing authority contained in Decision No. 74394 dated July 16, 1968 in Application No. 49630.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with 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 of this order, applicant shall establish the authorized service and amend 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 authorized service.
- (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 12<sup>th</sup> day of MARCH, 1974.

William L. Stinson  
President  
William L. Stinson  
William L. Stinson  
William L. Stinson  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Reliable Delivery Service, Inc., 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:

1. In intrastate commerce within the State of California between all points and places in the Los Angeles Basin Territory, as described in Appendix B attached hereto, on the one hand, and all points and places within ten miles laterally of the following highways:

- a. State Highway 74 between the city of Hemet and its junction with Monterey Avenue, and Monterey Avenue between its junction with State Highway 74 and its junction with Park View Drive, inclusive.
- b. State Highway 71 between its intersection with State Highway 79 near Aguanga and its intersection with State Highway 74 near Anza, inclusive.
- c. State Highway 71 between its intersection with State Highway 79 near Aguanga and its intersection with U. S. Highway 395, inclusive.

RESTRICTION: Applicant, in performing the service authorized herein, is restricted from serving the city of Palm Springs, California, from the routes as set forth in this paragraph 1.

2. In interstate and foreign commerce between all points and places in the Los Angeles Basin Territory, as described in Appendix B attached hereto, on the one hand, and all points and places and within ten miles laterally of the following highways:

- a. State Highway 74 between the city of Hemet and its junction with Monterey Avenue, and Monterey Avenue between its junction with State Highway 74 and its junction with Park View Drive, inclusive.
- b. State Highway 71 between its intersection with State Highway 79 near Aguanga and its intersection with State Highway 74 near Anza, inclusive.

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Appendix A

RELIABLE DELIVERY SERVICE, INC.  
(a corporation)

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- c. Applicant may use State Highway 71 between its junction with U. S. Highway 395 and its junction with State Highway 79 as a route traversed but not served.

RESTRICTION: Applicant, in performing the service authorized herein, is restricted from serving the city of Palm Springs, California, from the routes as set forth in this paragraph 2.

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Carrier shall not transport any shipments of:

1. Used household and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
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, when such commodities require special equipments.
3. Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, sows, steers, stags or swine.
4. Commodities requiring protection from heat by the use of ice (either water or solidified carbondioxide) or by mechanical refrigeration.
5. 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.
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. Furniture, new or used, as described under that heading in the Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof, stoves, refrigerators and lamp standards or electric lamps and shades when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).

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10. All commodities in bulk.
11. Articles of extraordinary value as set forth in Rule 3 of Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
12. Commodities injurious or contaminating to other lading.
13. Commodities which, because of size or weight, require special equipment or handling.
14. Explosives as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10.

(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; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwesterly 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; southwesterly 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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