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ORIGINAL

Decision No. 83069

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
TRANSPORT LOADING CORPORATION, a
California corporation, for authority
to acquire a Certificate of Public
Convenience and Necessity, and
DRISKELL TRUCKING, INC., a California
corporation, to transfer pursuant to
Section 851, et seq., of the
California Public Utilities Code.

Application No. 54227
(Filed August 2, 1973)

O P I N I O N

Driskell Trucking, Inc. (Driskell) seeks authority to transfer its highway common carrier certificate of public convenience and necessity to Transport Loading Corporation (Transport).

Driskell is engaged in the transportation of new furniture and parts thereof and miscellaneous commodities between the San Francisco Territory, on the one hand, and the Los Angeles Territory, on the other hand. Said operations are conducted pursuant to authority granted by Decision No. 57078 dated July 29, 1958 in Application No. 36100 and acquired by Driskell pursuant to Decision No. 61415 dated January 24, 1961 in Application No. 42876.

Driskell also holds permits as a radial highway common carrier, a highway contract carrier, and a household goods carrier under File No. T-69,215.

Upon the sale of the highway common carrier certificate proposed to be transferred herein, Driskell proposes to acquire other highway common carrier rights which are currently the subject of Application No. 54226, also filed August 2, 1973. It is contemplated that consummation of the transfer herein will be accomplished concurrent with the consummation of that transaction.

A. 54227 eak

Transport is a California corporation incorporated on July 11, 1973. It currently operates under a permit as a highway contract carrier issued in File No. T-105,411.

Transport proposes to acquire Driskell's highway common carrier certificate for \$4,000 in cash, payable upon consummation. Transport's pro forma financial statement attached to the application as Exhibit C indicates a total capital of \$50,000 including \$33,000 in cash.

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 completed, the revocation of the certificate presently held by Driskell and the issuance of a certificate in appendix form to Transport. Such certificate will be restated but will not change nor broaden the authority transferred.

With reasonable certainty the project involved in this proceeding will not have a significant effect on the environment.

The authorization granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

Transport Loading 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. On or before December 31, 1974, Driskell Trucking, Inc. may sell and transfer the operative rights referred to in the application to Transport Loading Corporation.
2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the 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 transfer. 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 the provisions of General Order No. 80-Series may result in a cancellation of the operating authority granted by this decision.
4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Transport Loading Corporation, 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 set forth in Appendix A, attached hereto and made a part hereof.
5. The certificate of public convenience and necessity granted by Decision No. 57078 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

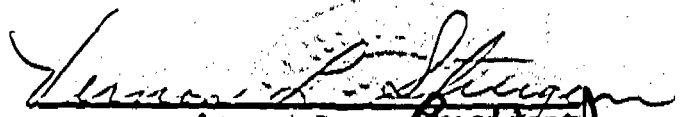
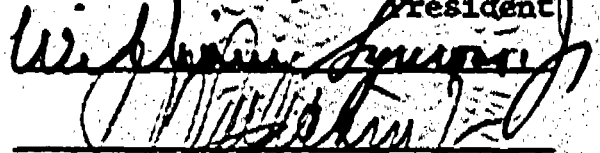

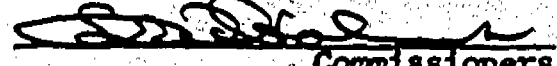
6. Purchaser shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

7. Purchaser 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.

8. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchaser 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 is the date hereof.

Dated at San Francisco, California, this 25th
day of JUNE, 1974.


President



Commissioners

Transport Loading Corporation, 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:

I. A. For the transportation of new furniture, viz.:

Bamboo, cane, fibre, grass, rattan, reed or willow; also chairs or rattan peel furniture;
Bassinettes or baskettes, bamboo, cane, fibre, grass, rattan, reed or willow;
Bathtubs, folding;
Blackboards;
Boxes, cabinets, chests, closets or wardrobes, garment or household utility storage; including tops, bottoms or doors thereof;
Boxes, shadow;
Cabinets;
Church marble, artificial or natural, or plaster composition;
Church furniture;
Cribs, portable;
Fume hoods or fume hood bases, laboratory, or parts;
Hammocks;
Hampers, clothes;
Hassocks;
Lecterns;
Mattresses or upholstered box springs;
Mirrors;
Swings or seats, baby or doll;

Baby feeding or safety tables and seats;
Baby jumpers or walkers;
Bed canopies or bed canopy or mosquito netframes;
Bed ends;
Bed rails and holders, or bedstead slats;
Bed springs;
Beds, folding, upright, door, recess or wall, disappearing types;
Benches;
Berths, sleeping;
Bookcases;

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Decision No. 83959, Application No. 54227.

Buffets or buffet servers, cellarettes, china cabinets
(closets);
Bureaus, chests of drawers, chiffos, dressers, high boys,
low boys, sanitary commodes, somnoes, washstands or
washstand commodes;
Chairs;
Chaise lounges, couches, davenports, day-beds, divans,
lounges, sofas, sofa-beds or tete-a-tetes;
Chests;
Children's bed springs;
Costumers;
Cots;
Couch hammocks or gliders;
Couches or daybeds;
Cradles, cribs, play pens or play yards;
Desk sets;
Desks;
Drawing tables;
Easels;
Fireplaces, imitation, portable;
Foot stools or leg rests;
Hall seats;
Map cases;
Pedestals;
Porch seats, swinging;
Racks;
Screens, floor;
Settees; settee sections;
Stands;
Swings;
Tables; table sets;
Tables or trays, serving;
Tabourettes;
Telephone sets;
Umbrella holders;

Store or office fixtures;
Back bars or bar or counter work boards;
Bins, nail;
Bolt or screw cases;
Booths, dining;
Counters;
Hardware cabinets;

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Decision No. 83069, Application No. 54227.

Partitions or railings;
Shelving;
Show or display cases;
Show case frames;
Show case interiors (show case interior cabinets, drawers or trays);
Wall cases or cabinets or wall case bases, or shelving bases;

- B. The following miscellaneous commodities may be transported when tendered in a mixed shipment with new furniture items named in paragraph I. A., preceding:

Stoves or ranges, iron or steel or aluminum and iron or steel combined;
Heaters, gas or electric;
Broilers;
Coolers, cooling boxes, cooling rooms or refrigerators;
Air coolers, heaters, humidifiers, dehumidifiers and washers and blowers or fans combined. This authority extends only to portable units and units designed to serve a single room;
Dish washing machines;
Dish washing machines and cabinet sinks combined;
Household Laundry, viz: washing, drying and ironing machines;
Garbage disposal units, sink, household, electric; and
Used office, store, school and institutional furniture.

- II. Between the San Francisco Territory, as described in Note A, on the one hand, and the Los Angeles Territory, as described in Note B, on the other hand.

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

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Decision No. 83069, Application No. 54227.

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; southwesterly 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.

Issued by California Public Utilities Commission.

Decision No. 83069, Application No. 54277.

Note B

LOS ANGELES TERRITORY

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof 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 (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 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 State Highway 1; thence northerly along an imaginary line to point of beginning.

(END OF APPENDIX A)

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Decision No. 83069, Application No. 54227.