

Decision No. 83638**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
DREISBACH EXPORT PACKING CO., INC.,  
a California corporation doing  
business as DREISBACH DRAYAGE CO.  
for a Certificate of Public Convenience  
and Necessity as a Highway Common Carrier  
in intrastate service and for a co-  
extensive Certificate of Registration for  
interstate service.

Application No. 55025  
(Filed July 11, 1974)

O P I N I O N

Dreisbach Export Packing Co., Inc., a California corporation, doing business as Dreisbach Drayage Co., presently providing service as a permitted carrier, requests a certificate of public convenience and necessity authorizing operations as a highway common carrier for the transportation of foodstuffs, pet foods, and pet food ingredients in vehicles equipped with mechanical refrigeration between points within the San Francisco Territory and points within 25 miles thereof. Applicant also proposes a corresponding service of such commodities moving in interstate and foreign commerce. Copies of the application were served upon carriers with which the proposed service might compete. An appropriate notice was published in the Federal Register on July 31, 1974. No protest has been received.

Applicant proposes a daily service on weekdays, with on-call service available on Saturdays, Sundays, and holidays. Applicant operates 55 units of equipment including 32 trailers, all of which, with the exception of one, are equipped with mechanical refrigeration. As of April 30, 1974, applicant indicated a net worth in the amount of \$161,579.

It is alleged that applicant has been conducting operations within the proposed area as a permitted carrier; that said permitted operations have increased in scope and regularity to the point where it serves a large number of shippers on a day-to-day basis; that as a result applicant was compelled to decide between curtailing its service or seeking certification; and that the instant application was filed because applicant believes that the public response to its permitted operations demonstrates a public need for the proposed service.

After consideration the Commission finds that:

1. Applicant has been operating as a permitted carrier in the San Francisco Territory.
2. Over the years its operations have continuously grown and developed to meet the increasing transportation requirements of its customers.
3. 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 this decision. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

4. A public hearing is not necessary.

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

Applicant 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 Dreisbach Export Packing Co., Inc., authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

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 administered by 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 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 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 22nd day of OCTOBER, 1974.

I dissent:

W. J. Moran, Commissioner

Vermon L. Stenger  
President  
William J. Moran  
Thomas Moran  
Commissioners

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

Dreisbach Export Packing Co., 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:

Foodstuffs, pet foods, and pet food ingredients, in vehicles equiped with mechanical refrigeration.

Between all points and places in the San Francisco Territory, as described in Note A, and points within 25 miles thereof.

RESTRICTION:

Whenever Dreisbach Export Packing Co., Inc., engages other carriers for the transportation of property of Ronald T. Dreisbach and/or Dreisbach Box & Lumber Co., and/or Dreisbach Cold Storage Co., Inc., and/or Dreisbach Export Packing Co., Inc., or customers or suppliers of said individual, company or corporations, Dreisbach Export Packing Co., Inc., shall not pay such other carriers rates and charges less than the rates and charges published in Dreisbach Export Packing Co., Inc.'s tariffs on file with this Commission.

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

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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.

(END OF APPENDIX A)

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