

ORIGINAL

Decision No. 86946

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GILBOY INC., a California corpora-)
tion for authority to purchase)
Certificate of Highway Common Car-)
rier Operating Rights for the)
Transportation of Motion Picture)
Film and Accessories of ALBERT L.)
WEBB dba WEBBS THEATER SERVICE.)

Application No. 55950
(Filed September 22, 1975)

In the Matter of the Application)
of GILBOY, INC., a California cor-)
poration, for authority to purchase)
Certificate of Highway Common Car-)
rier Operating Rights for the)
transportation of Motion Picture)
Film and Accessories together with)
personal assets of WILLIAM P.)
BROWN, JR., and ROBERT F. BROWN dba)
BEEKAY FILM DELIVERY.)

Application No. 56219
(Filed January 22, 1976)

In the Matter of the Application of)
GILBOY, INC., a California corpora-)
tion, for an in lieu certificate of)
public convenience and necessity)
for the transport of motion picture)
film and accessories.)

Application No. 56670
(Filed August 3, 1976)

FINAL OPINION

By interim Decision 85240 dated December 16, 1975 in
Application 55950, Gilboy, Inc. (purchaser) was authorized to pur-
chase the highway common carrier authority held by Albert L. Webb,
dba Webbs Theater Services. By interim Decision 85775 dated May 4,
1976 in Application 56219, Gilboy, Inc. was authorized to purchase
the highway common carrier rights of William P. Brown, Jr. and
Robert F. Brown, doing business as Beekay Film Delivery. Pursuant
to the order contained in the latter decision to submit a proposed
in-lieu certificate encompassing all the authorities issued or
acquired by it, purchaser filed Application 56670.

The area presently served by the purchaser under the operating rights originally granted to it and authorities subsequently acquired, including those acquired by Decisions 85240 and 85775, includes a large part of Los Angeles County and part of northwestern Orange County. These rights authorize service between certain points over designated routes, specifying the streets or highways that may be used. Because of the redesignation of highway route numbers and street changes in the Los Angeles Basin during recent years many of the originally designated routes have lost their identity and in some cases cease to exist because of freeway construction. In addition, portions of the rights purchased by Gilboy, Inc. duplicated the authority it possessed.

The proposed in lieu certificate submitted by Gilboy, Inc. has been reviewed and modified by the staff. We adopt the proposed in lieu certificate, as modified, and find that the re-statement of the operating authorities, as set forth in Appendix A of this decision, neither broadens nor lessens the scope of the separate operating authorities heretofore granted or acquired by the carrier.

Purchaser's rates, rules and regulations are presently contained in four tariffs; three through adoption of the sellers' tariffs and purchaser's own tariff covering the original Gilboy, Inc. operation. Purchaser now proposes to cancel and replace these tariffs with a single tariff to provide rates for the "in-lieu" certificate. Purchaser states that the proposed tariff would apply a reasonable standard to all customers throughout its service area on the basis of mileage rates with a basic minimum charge for the first mileage increment. It further states that the proposed rates would result in both increases and decreases to its customers. However, it alleges that the overall effect of the proposal on its shippers would be minimal. Purchaser's proposal with respect to issuance of a new tariff covering all

of its operations appears to be reasonable and to the extent that some of the rates result in increases or decreases we find them justified.

Purchaser 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 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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

FINAL ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Gilboy, Inc., a California corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and within the area specifically set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, Gilboy, Inc. shall comply with the following service regulations. Failure to do so 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. Gilboy Inc. 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 100-Series.

- (b) Within one hundred and twenty days after the effective date of this order, Gilboy, Inc. shall establish the authorized service and cancel the tariffs naming rates of the carriers Gilboy, Inc. has previously acquired, and file a single tariff providing rates as set forth in Exhibit C of Application 56670, in triplicate, in the Commission's office, pursuant to the certificate granted by this decision.
- (c) The tariff filings shall be made effective not earlier than thirty 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 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 80-Series.
- (e) Gilboy, Inc. 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 April 30 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) Gilboy, Inc. shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If it elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall be in lieu of and supersede the highway common carrier certificates of public convenience and necessity heretofore granted to or acquired by Gilboy, Inc. which certificates, including amendments, identified below, are revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b):

Decision 26558 dated November 25, 1933
in Application 19071;
Decision 27254 dated August 6, 1934 in
Application 19534;
Decision 36807 dated April 2, 1946 in
Application 27503;
Decision 36809 dated April 2, 1946 in
Application 27089;
Decision 39006 dated May 21, 1946 in
Application 27268;
Decision 63260 dated February 13, 1962
in Application 44066;
Decision 65262 dated April 23, 1963
in Application 45248;
Decision 78759 dated June 2, 1971 in
Application 52595;
Decision 85240 dated December 16, 1975 in
Application 55950;
Decision 85775 dated May 4, 1976 in
Application 56219.

A. 55950 - SEG/cab

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

Dated at San Diego, California, this 8th day of February, 1977.

Robert Bakum
President

William Agnew Jr.

Vernon L. Sturgeon

Robert Plon

Charles D. Goodale
Commissioners

Gilboy, Inc., a California 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 for the transportation of motion picture film and motion picture accessories and commodities necessary or incidental to the exhibition of motion pictures, between all points within the following described service area:

Commencing at a point on the shoreline of the Pacific Ocean due south of the intersection of Sunset Blvd. and Pacific Coast Highway (State Highway 1); southerly and easterly along said shoreline to a point due west of the intersection of Warner Ave. and State Highway 1 in the unincorporated community of Sunset Beach; easterly along an imaginary line to said intersection; easterly and northerly along Warner Ave, Bolsa Chica Rd. and Baily Ave. to Valley View Ave.; northerly on Valley View Ave to State Highway 91 (Artesia Freeway); easterly on State Highway 91 to State Highway 57 (Orange Freeway); northerly on State Highway 57 to Interstate Highway 210 (Foothill Freeway); northerly and westerly along interstate Highway 210 to its intersection with the boundary line of Glendora and San Dimas city limits; easterly and northerly along said boundary line to its intersection with Amelia Ave.; northerly along Amelia Ave. to its intersection with Foothill Blvd. at Oak Park Rd.; westerly along Foothill Blvd. and Huntington Dr. to its intersection with Michillinda Ave.; northerly along Michillinda Ave. to its intersection with Sierra Madre Blvd.; westerly along Sierra Madre Blvd. to its intersection with Sierra Madre Villa Ave.; northerly along Sierra Madre Villa Ave. to its intersection with New York Dr.; northerly and westerly along New York Dr. to its intersection with El Molino Ave.; southerly along El Molino Ave. to its intersection with Windsor Ave.; southerly along Windsor Ave. to its intersection with Interstate Highway 210 (Foothill Freeway); westerly and northerly along Interstate Highway 210 to McClay Ave.; southwesterly on

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McClay Ave. to its intersection with San Fernando Blvd. in the city of San Fernando; southeasterly on San Fernando Blvd. to its intersection with Brand Blvd., southwesterly along Brand Blvd. to its intersection with Interstate Highway 5 (Golden State Freeway); northwesterly along Interstate Highway 5 to its intersection with Interstate Highway 405 (San Diego Freeway); southerly on Interstate Highway 405 to its intersection with Sunset Blvd.; westerly along Sunset Blvd. to its intersection with State Highway 1 (Pacific Coast Highway); southerly along an imaginary line to the point of beginning.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

(END OF APPENDIX A)

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