

Decision No. 89138 JUL 25 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of WELLS CARGO, INC. a corporation,))	
for authority to purchase the)	
operative rights and specified)	Application No. 57686
equipment of WESTERN TRUCK LINES,)	(Filed November 15, 1977)
a corporation, and for authority)	
to issue a promissory note.)	

FINAL OPINION

By Decision 83947 dated December 30, 1974, in Application 55400, the Commission authorized Wells Cargo, Inc., a Nevada corporation authorized to do business in California (Wells), and Western Truck Lines, a California corporation (Western), to execute a purchase and lease agreement authorizing Wells to temporarily lease Western's highway common carrier operating certificates and equipment. The temporary lease enabled Wells to continue Western's operations pending the issuance of a Section 5 order by the Interstate Commerce Commission (I.C.C.).

On March 15, 1977 the I.C.C. issued its initial Decision in Docket No. MC-F-12313. Also, by its Order served August 24, 1977, the I.C.C. converted Western's Certificates of Registration to certificates of public convenience and necessity and transferred the aforesaid converted operating authorities to Wells. Wells, the purchaser-lessee of the intrastate certificated operating authorities involved herein, operates as a multi-state motor carrier. It also holds several intrastate operating permits issued by this Commission in File T-1,831, as well as a highway common carrier certificate of its own.

By Decision 88493 dated February 7, 1978 in the above proceeding, this Commission authorized Wells to purchase and acquire the certificated rights of Western, as well as certain specified equipment. That interim decision ordered Wells to submit to this Commission a proposed in-lieu certificate of public convenience and

necessity consolidating and restating all of its newly-acquired highway common carrier authorities by reflecting the current designations of highways and roads used to describe such authorities and by eliminating any overlapping or duplicate authority which might exist.

On May 9, 1978, Wells submitted its proposed "in-lieu" certificate to the Commission, along with its Petition for Acceptance thereof. The Commission's staff has made minor modifications of the in-lieu highway common carrier certificate submitted by Wells Cargo, Inc.

The in-lieu California certificate, which is to be granted to Wells by the ensuing order, now conforms to the scope of operating authority which results from the consolidation of the two individual authorities originally granted to Western. The consolidation and restatement of the latter's certificated operating authorities will neither broaden nor lessen the overall scope of the intrastate rights formerly held by Western, which rights have been transferred to Wells by previous order of this Commission.

Applicant Wells, the purchasing carrier, asks that its California certificate, which was acquired through a transfer proceeding and authorized by Decision 67932 dated September 30, 1964 in Application 45562, be revoked since its old certificated area of operations is entirely encompassed by the in-lieu certificate to be granted herein and thus duplicates the operating rights newly acquired from Western and applicable in the southern California area.

Since there is no known reason to delay the final disposition of this matter, the effective date of the order issued herein should be the date on which it is signed.

Wells Cargo, Inc. 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 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. An in-lieu certificate of public convenience and necessity is granted to Wells Cargo, Inc., a Nevada 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 Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, Wells Cargo, 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, Wells Cargo, Inc. shall file a written acceptance of the certificate granted. Wells Cargo, 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 twenty days after the effective date of this order, Wells Cargo, Inc. shall establish the authorized service and cancel, amend or refile tariffs, as necessary, in the Commission's office pursuant to the certificate granted by this decision.
- (c) The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and to 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) Wells Cargo, 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) Wells Cargo, 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 supersede the certificates of public convenience and necessity granted to Western Truck Lines by Decision 80819 and by Decision 81798 as amended by Decision 82346; as well as the certificate of public convenience and necessity granted to Wells Cargo, Inc. by Decision 67932; which certificates are hereby revoked effective concurrently with the effective date of the tariff filings required by paragraph 2 (b).

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 25th day of July, 1978.

I abstain
Clair J. DeWick

Robert Batizovich

 President
William Spurrows, Jr.

Vernon L. [unclear]

Charles D. [unclear]

Commissioners

Wells Cargo, Inc., by the Certificate of Public Convenience and Necessity granted by 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:

- I. BETWEEN all points and places in the Los Angeles Basin Territory as described in Note A, on the one hand, AND, on the other hand, all points and places on or within 25 statute miles of the following routes:
- (a) Interstate Highway 80 between San Francisco and Roseville.
 - (b) State Highway 99 to its intersection with Interstate Highway 5, Interstate Highway 5 to its intersection with Interstate Highway 10, and Interstate Highway 10, between Sacramento and Redlands.
 - (c) The route constructed via Interstate Highway 80, State Highways 17 and 238, Interstate Highways 580 and 205, State Highways 120 and 99, and U.S. Highway 50, used consecutively, between San Francisco and Placerville.
 - (d) State Highway 120 between its junctions with Interstate Highway 5 at Mossdale Wye and State Highway 108 at Yosemite Junction.
 - (e) State Highway 108 between Yosemite Junction and Dardanelle.
 - (f) State Highway 12 between Suisun City-Fairfield and Clements.
 - (g) State Highway 88 between Clements and Jackson.
 - (h) State Highway 4 between its intersection with Interstate Highway 80, near Pinole, and Stockton.
 - (i) State Highway 33 between its intersection with Interstate Highway 205, near Tracy, and Maricopa.
 - (j) U.S. Highway 101 to its intersection with Interstate Highway 5, and Interstate Highway 5, between Hopland and San Ysidro.
 - (k) State Highway 1 between its junctions with U.S. Highway 101 near Oxnard and Interstate Highway 5 near Capistrano Beach.

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- (l) State Highway 65 between Yuba City and Roseville.
- (m) State Highway 37 between Ignacio and Vallejo.
- (n) State Highway 70 between Marysville and Oroville.
- (o) Interstate Highway 15 (U.S. Highway 395) between Riverside and San Diego.
- (p) State Highway 152 between Gilroy and Califa.
- (q) State Highway 17 between Oakland and San Jose.

EXCEPT that pursuant to the authority granted by paragraph I, 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 salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
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;
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;

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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 high-way vehicles;
5. Commodities when transported in conventional tilt dump trucks;
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit;
7. Tomato plants, and fresh fruits and fresh vegetables from any point of origin to any point of destination other than a common carrier trans-shipping facility for further transportation; also empty containers and/or pallets when used, or shipped out for use, in connection with such movements of tomato plants, fresh fruits and fresh vegetables;
8. Cans, metal, tinplated or not tinplated, with or without ends;
9. Cotton, cotton linters and cotton notes;
10. Logs; and
11. Fertilizer compounds (manufactured fertilizers), agricultural fungicides and insecticides, except when moving from, to or between common carrier terminal facilities in connection with prior or subsequent common carrier transportation from or to points beyond such facilities.

RESTRICTION:

The authority granted in paragraph I does not permit the performance of any local service, including service between points within or between the territories described in subparagraphs (a) through (q) inclusive, nor between points within the Los Angeles Basin Territory.

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- II. BETWEEN Los Angeles, Long Beach, Compton, South Gate, Lynwood, Huntington Park, Bell Gardens, Maywood, Vernon, Monterey Park, El Monte and the City of Commerce, on the one hand; AND, on the other hand,
- (a) All points on Interstate Highway 210 and U.S. Highway 66 between Irwindale Avenue and San Bernardino, inclusive;
 - (b) All points on Interstate Highway 10 and State Highways 71 and 60 between Irwindale Avenue and Riverside, inclusive;
 - (c) All points on Interstate Highway 10 between Irwindale Avenue and Colton, inclusive; and
 - (d) All points on State Highway 91 between San Bernardino and Corona, inclusive.

Serving all points laterally within three statute miles of said highways.

- III. BETWEEN San Bernardino, Colton, Riverside, Fontana, Kaiser and Rialto, on the one hand; AND, on the other hand,
- (a) Beaumont, Banning, Desert Hot Springs, Palm Springs Station, Palm Springs, Indian Wells, Indio, Coachella, Thermal, Arabia and Mecca; and all points intermediate between Beaumont and Mecca;
 - (b) Boulder Well, Freda, Rice, Grommet, Vidal, Earp, Parker Dam and Whipple; and all points intermediate between Indio, on the one hand, and Parker Dam and Vidal, on the other hand;
 - (c) Kaiser Mine, Desert Center, Hopkin's Well, Fertilla, Cox and Midland; and all points intermediate between Indio and Midland;

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- (d) Newberry, Ludlow, Amboy, Chambliss, Mountain Springs, Java and Needles; and all intermediate points between Daggett and Needles, but with no service at any point between San Bernardino and Daggett; and
- (e) Adelanto, Beechers, Atolia, Red Mountain, Johannesburg, Randsburg, Westend, Argus, Trona, Searles, Rademacher, Terese, Inyokern, China Lake and Ridgecrest; and all points intermediate between Interstate Highway 10 and Ridgecrest or between Interstate Highway 10 and Trona.

RESTRICTION:

Carrier shall not pick up or deliver freight within the cities of Beaumont, Banning, Palm Springs, Indio or Cathedral City, nor within three statute miles from the city limits of any of said cities or communities, other than freight consisting of meat, frozen food and other freight requiring refrigeration.

- IV. BETWEEN Barstow, on the one hand, AND Needles, on the other hand, and all intermediate points, but with no service at any point between Barstow and Daggett.
- V. BETWEEN Barstow, Yermo and Amboy and all points and places within a radius of 10 statute miles of each of said points, on the one hand, AND, on the other hand, the Marine Corps Field Artillery and Anti-Aircraft Training Center located approximately six miles northerly of the community of Twentynine Palms, including all intermediate points between Amboy and the Marine Corps Field Artillery and Anti-Aircraft Training Center, except the community of Twentynine Palms.
- VI. BETWEEN Garnett, on the one hand, AND the Marine Corps Field Artillery and Anti-Aircraft Training Center located

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approximately six miles northerly of the community of Twentynine Palms, on the other hand, including all intermediate points.

EXCEPT that, pursuant to the authority granted in paragraphs II through VI, carrier shall not transport any shipments of:

- (1) Used household goods and personal effects;
- (2) Vehicles or trailer coaches in truck-away or tow-away service;
- (3) Livestock;
- (4) Commodities in bulk, in tank, dump or hopper-type vehicles;
- (5) Commodities requiring mixing in transit;
- (6) Logs;
- (7) Commodities that, because of size or weight require special handling, and
- (8) Commodities injurious or contaminating to other lading.

ROUTES: Pursuant to the authority granted in paragraphs II through VI, highway common carrier operations shall be conducted over and along the following routes:

- (a) Over U.S. Highway 66 between San Bernardino and Colton, and over U.S. Highway 395 between Colton and Riverside.
- (b) Between Kaiser and Rialto, via Cherry Avenue and Arrow Route.
- (c) Between Sierra Avenue and Garnett, via Interstate Highways 15 and 10 (State Highway 60).

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- (d) Junction of Interstate Highway 10 and State Highway 111 to Mecca, via State Highway 111.
- (e) Between Palm Springs and Garnett, via Indian Avenue and Pierson Boulevard (or unnumbered highways).
- (f) Between Indio and Parker Dam, via Interstate Highway 10 and State Highways 177 and 62, through the communities of Desert Center, Freda, Rice, Grommet, Earp and Whipple.
- (g) Junction of State Highway 62 and U.S. Highway 95 to Vidal, via U.S. Highway 95.
- (h) Junction of Interstate Highway 10 and Eagle Mountain Road (County Road R-2), (approximately three statute miles west of Desert Center) to:
 - 1. Kaiser Mine, via Eagle Mountain Road;
 - 2. Blythe, thence to Midland, via Midland Road through Fertilla and Cox.
- (i) Junction of Interstate Highways 10 and 15 to Trona, via Interstate Highway 15, U.S. Highway 395, Trona Road and State Highway 178 through the communities of Adelanto, Atolia, Red Mountain, Johannesburg, Randsburg, Westend and Trona.
- (j) Junction of U.S. Highway 395 and Trona Road to Inyokern, via U.S. Highway 395, serving the off-route point of Ridgecrest via China Lake Road and Inyokern Road.
- (k) Between Daggett and Needles, via Interstate Highway 40 and U.S. Highway 66.
- (l) Between San Bernardino and Barstow, via Interstate Highways 15 and 40 to Daggett, thence via unnumbered county road to Yermo, thence over Interstate Highway 15 to Barstow.

Carrier may operate in either direction over any of the above-described routes.

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NOTE A

LOS ANGELES BASIN TERRITORY

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 118, approximately two miles west of Chatsworth; easterly along State Highway 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 of the City of San Fernando to Maclay Avenue; northeasterly along Maclay 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 Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 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, including the point of March Air Force Base.

(END OF APPENDIX A)

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