

ORIGINALDecision No. 72974

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 ROMEO FAENZI and JOE AMARAL, Partners,
 Doing Business as ROMEO'S DELIVERY &
 DRAYAGE, for an Order Amending their
 certificate of public convenience and
 necessity as a highway common carrier,
 to exclude the transportation of Books.

Application No. 49379
 (Filed May 17, 1967)

O P I N I O N

Applicants are presently operating as a highway common carrier pursuant to Decision No. 61203 in Application No. 42552, authorizing the transportation of general commodities, with certain exceptions. Applicants also possess authority to transport property pursuant to radial highway common carrier and city carrier permits. On June 14, 1967, applicants were issued a permit to operate as a highway contract carrier for the transportation of books, magazines and periodicals for which the exclusion from applicants' highway common carrier certificate is sought in this proceeding.

Copies of this application have been sent to the California Trucking Association and to the Draymen's Association of San Francisco. In order to secure a just, speedy and inexpensive determination of the issues presented herein, applicants request that they not be required to mail copies of the application to other carriers. Such request is hereby granted.

In support of their application applicants allege as follows:

1. Applicants for the past several years have been employed by the Cardoza Bookbinding Co. to transport books from its place of business in San Francisco to points within applicants' certificated area. Cardoza Bookbinding Co. now requests applicants to provide service to points outside their certificated scope of service, namely, points in the Sacramento area, at rates set forth in Minimum Rate Tariff No. 2, or Minimum Rate Tariff No. 15.

2. The transportation of books requires special handling in loading and unloading and requires the assignment of equipment devoted exclusively to the hauling of such commodity for a single shipper. It is a type of service which is normally performed by a highway contract carrier.

3. As the shipments in question are destined to points within and without the scope of applicants' certificated area, applicants may not assess rates and charges as set forth in Item No. 170, MRT No. 2 (Split Delivery) and rates provided in MRT No. 15 (Monthly and Yearly Rental of Equipment).

4. Applicants do not engage in the transportation of the commodity in question for any other shippers. In order for applicants to retain the portion of the freight they are presently enjoying, they must be placed on a competitive level with the permitted carriers hauling the involved traffic. The issuance of the requested authority will not to any degree lessen the transportation of books which is available to or required by bookbinders, and it will benefit the public.

No protests are on file.

After consideration the Commission finds that public convenience and necessity no longer require applicants to provide

the transportation of property as a highway common carrier which is excluded by the order which follows. The Commission concludes that the application should be granted. A public hearing is not required.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 61203 is amended by incorporating therein First Revised Page 2, attached hereto, in revision of Original Page 2.

2. In providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted, they will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-D. Failure to comply with and observe the safety rules, or the provisions of General Order No. 100-D, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof, applicants shall eliminate the service herein authorized and cancel the tariffs on file in the Commission's office which are applicable thereto.
- (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 elimination of the service herein authorized.

- (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-A.
- (e) Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this

29th day of AUGUST, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

LM /ds

Appendix A
(Dec. 61203)

ROMEO FAENZI and JOE AMARAL First Revised Page 2
Cancels
Original Page 2

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. Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
10. Books, magazines and periodicals.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 72974, Application No. 49379.