

ORIGINALDecision No. 73115

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 INSURED TRANSPORTERS, INC., for)
 partial revocation of its Certificate)
 of Public Convenience and Necessity)
 as a highway common carrier.)

Application No. 49546
 (Filed July 13, 1967)

O P I N I O N

Insured Transporters, Inc., presently engaged in the transportation of motor vehicles and related commodities between all points in California, requests that its certificated authority be amended by excluding therefrom its authority to perform transportation in driveaway service in both initial and secondary movements, and truckaway service in initial movements, leaving only the authority to perform transportation in secondary movements in truckaway service.^{1/}

It is alleged that the only type of transportation of motor vehicles for which minimum rates are prescribed by this Commission is

1/ Initial movement means (1) the transportation from the plant at which the motor vehicles were manufactured or assembled to a point of destination designated by the operator of such plant and evidenced by a bill of lading or other shipping document showing the operator of the plant as the shipper, and (2) the return transportation of such vehicles to the plant in cases where delivery to the designated consignee has not been accomplished.

Secondary movement means any transportation other than the initial movement.

Driveaway service means any transportation of vehicles where the motive power is provided by means of vehicle being transported.

Truckaway service means the transportation of one or more motor vehicles where the weight of such vehicle or vehicles rests wholly or partly upon carrier's equipment.

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the transportation of motor vehicles in secondary movements in truck-away service; in the absence of any minimum rates for initial movements in truckaway service, applicant, having its tariffs on file, is at a competitive disadvantage with respect to permitted carriers competing with applicant who do not have tariffs on file; with respect to initial movements in both driveaway service and truck-away service, the nature of the business is such that applicant has very few customers (five) for such transportation in intrastate movements in California; each of these customers has its particular requirements and the service rendered by applicant to each such customer in initial movements is tailor-made to those particular requirements; with respect to secondary movements in driveaway service, applicant has a very small amount of such business and, in the absence of minimum rates prescribed by the Commission, applicant will be better able to compete if it is allowed the flexibility of rates which operations under permits make possible; and if applicant's request is granted, no shipper will be prejudiced in any way and the character of the service rendered by applicant will remain unchanged.

In this proceeding applicant has indicated its intention to operate as a contract carrier on all "initial" movements and on "secondary" driveaway movements. The nature of its service obviously lends itself to this type of an operation. Applicant serves only five customers on initial movements and each customer is served according to his particular needs and requirements. The demand for applicant's service in secondary driveaway movements is also limited. It does not appear that the requested authority would have an adverse effect upon the shipping public.

After consideration the Commission finds that public convenience and necessity no longer require applicant's service as a highway common carrier for the transportation it seeks to exclude. A public hearing is not necessary. The application should be granted.

For the purpose of convenience, applicant's amended authority will be restated.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Insured Transporters, Inc., 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 over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it 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, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.

- (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 the public, and the effective date of the tariff filings shall be concurrent with the establishment 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) 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 45990, dated July 24, 1951, in Application No. 29863, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 26th day of SEPTEMBER, 1967.

[Signature]
President

[Signature]

[Signature]
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

Insured Transporters, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport the commodities listed below, between the points and places located on and over the routes hereinafter specified, only in secondary movements in truckaway service.

Secondary Movement means the transportation of motor vehicles except (1) in the initial movement from the plant at which the motor vehicles were manufactured or assembled to the point of destination designated by the operator of such plant and evidenced by a bill of lading or other shipping document showing the operator of the plant as the shipper, and (2) the return transportation of such vehicles to the plant in cases where delivery to the designated consignee has not been accomplished.

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(a)

Vehicles, Motor, viz:

Chassis;

Freight, including tractors (driving tractors for vehicles), and dump trucks;

Passenger, including ambulances, hearses and buses;

Motorcycles and motorcycle sidecars.

Vehicles, other than motor, but for use with motor vehicles, viz:

Freight carts, trucks, trailers or wagons;

Trailer cars, carts or coaches, passenger, house or sleeper.

Cabs or bodies for vehicles above described.

Mobile searchlights.

Mobile Generators.

Parts, spare parts, or extra parts of the above-described vehicles when accompanying the shipment of the vehicle to which it belongs or for which it is intended.

Auto show vehicle exhibits with exhibit equipment and accompanying advertising matter.

(b)

1. U.S. Highway 101, 101 By-pass, 101 Alternate, and Interstate Highway 5, between the California-Oregon state line and the California-Mexican border.
2. U.S. Highway 99, 99E, 99W, Interstate Highway 5, and State Sign Route 99, between the California-Oregon state line and the California-Mexican border.
3. U.S. Highway 97 between the California-Oregon state line and Weed.
4. U. S. Highway 395 between the California-Oregon state line and California-Nevada state line near Peavine, and between the California-Nevada state line approximately nine (9) miles north of Coleville and San Diego.
5. State Highway 89 between U.S. Highway 99 and Interstate Highway 5, approximately two (2) miles south of Mt. Shasta City and State Highway 88 near Sorensens.

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6. State Highway 49 between Sattley and Mariposa.
7. State Highway 127 between the California-Nevada state line and Baker.
8. U.S. Highway 299 between U.S. Highway 101 approximately two (2) miles north of Arcata and Alturas.
9. U.S. Highway 40 and Interstate Highway 80, between San Francisco and the California-Nevada state line.
10. State Highway 190 between U.S. Highway 395 two (2) miles south of Lone Pine and Death Valley Junction.
11. State Sign Route 41, U.S. Highway 101, State Sign Route 46, U.S. Highway 99, State Sign Route 58, and Interstate Highway 15 between Morrow Bay and the Nevada state line.
12. State Sign Route 2, U.S. Highway 66, and Interstate Highway 15 between Santa Monica and the California-Nevada state line.
13. U.S. Highway 60 and Interstate Highway 10 between Los Angeles and the California-Nevada state line.
14. U.S. Highway 80 and Interstate Highway 8 between San Diego and the California-Nevada state line.
15. With the right to serve points and places located laterally within fifty (50) miles of the above routes.
16. With the right to serve intermediate points.

End of Appendix A

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