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ORIGINAL

Decision No. 73919

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of TRIANGLE TRANSPORTATION, INC., a corporation, of Montebello, California, for a permit to operate as a radial highway common carrier, statewide, for the transportation of general commodities, (File No. T-80, 790).

Application No. 49951
(Filed December 4, 1967)

R. A. Hagopian, for applicant.
Ted L. Ferguson, for Triangle Trucking Co., Inc. protestant.
Donald M. Grant, Counsel, and Walter H. Eastham, for the Commission staff.

O P I N I O N

Applicant seeks a statewide permit as a radial highway common carrier. It seeks to carry general commodities. The Triangle Trucking Co., Inc., protested because of the similarity of names. Protestant operates within 150 miles of San Francisco.

Protestant's business was started in 1953 and incorporated in 1959. Major activities are retail furniture deliveries and pool car distribution. It has also moved heavy medical apparatus and heavy appliances. It has warehouses but these are used for furniture exclusively.

At a hearing before Examiner Power at Los Angeles on February 7, 1968 applicant presented the evidence required, of its financial responsibility. R. A. Hagopian and wife, the owners of applicant's stock, own two other corporations. Applicant and one of these other two corporations have neither assets nor liabilities. All of the property of the Hagopian enterprises is concentrated in the third corporation, Lorco Properties, Inc.

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R. A. Hagopian, an individual, Transport Rentals and Lorco Properties, Inc. jointly guarantee the financial responsibility of applicant in a letter received in the Commission's San Francisco office on January 2, 1968. A joint balance sheet filed with the application indicates assets of \$861,561, liabilities of \$348,219 and net worth of \$510,369.

The application lists 27 pieces of equipment of which 26 are described as leased. It appeared from the evidence that in fact these are not yet leased by applicant. They belong, however, to Lorco and, of course, will be available.

Applicant's president has 20 years or more of experience in the trucking industry.

It appears that the application should, in the main, be granted. It should, however, be subjected to a restriction set forth in the following order. It is relevant to this restriction that applicant's president, in his testimony, indicated that he had no intention of performing services of the type normally performed by protestant.

The Commission finds that:

1. Applicant, stockholders and affiliated companies have ample resources for purposes of this application.
2. The stockholders and affiliated companies have guaranteed that applicant will have the necessary financial responsibility to undertake its proposed service.
3. Applicant has available to it the necessary financial resources to carry out its proposed service.
4. Applicant has available to it the equipment necessary for the proposed service, the same being owned by an affiliated company.

5. The names of applicant and protestant both begin with the word "Triangle" and are therefore liable to cause confusion amongst shippers.

6. Protestant's operations are primarily in pool car distribution and are conducted entirely within 150 miles of San Francisco.

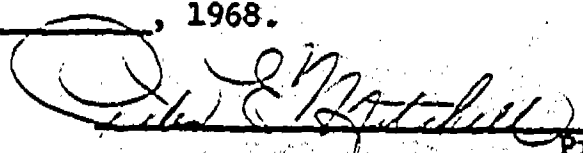
The Commission concludes that a permit should be issued to applicant restricted as provided by the following order.

O R D E R

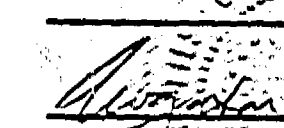
IT IS ORDERED that the Secretary of the Commission is authorized and directed to issue a radial highway common carrier permit to Triangle Transportation, Inc., a corporation, subject to: (1) filing of public liability and property damage insurance coverage required pursuant to General Order No. 100 series; (2) filing of a surety bond required pursuant to General Order No. 102 series; and (3) territory and commodities set forth in Appendix A, hereto attached.

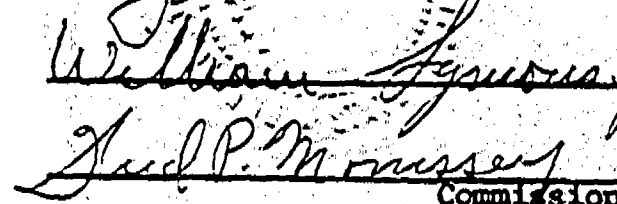
The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 26th day of MARCH, 1968.



President





Commissioners

APPENDIX A

TRIANGLE TRANSPORTATION, INC.

1. Operations under this permit are limited to the following described territory:

State of California, excluding pool car distribution based on any point within 150 miles of San Francisco.

2. This permit is limited to the transportation of the following described commodities:

General commodities, excluding: livestock, household goods carrier operations, petroleum products transported in tank trucks and tank trailers, property transported in dump truck equipment, fresh fruits and vegetables, cement, new uncrated furniture, transportation of motor vehicles, hay, fodder and straw in machine pressed bales, grain, rice and related products in bulk, transportation subject to yearly, monthly, and weekly vehicle unit rates, trailer coaches and campers.