

ORIGINAL

Decision No. 79864

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
OREGON NEVADA CALIFORNIA FAST FREIGHT)
INC., a corporation, for a certificate) Application No. 41429
of public convenience and necessity to)
extend an operation as a highway common)
carrier, and amendment.)

SECOND SUPPLEMENTAL OPINION AND ORDER

O.N.C. Motor Freight System (O.N.C.) seeks authority to transfer its highway common carrier certificate of public convenience and necessity to the Hopper Truck Lines (Hopper) and the latter requests an amendment to change its corporate name to O.N.C. Motor Freight System.

The carriers are California corporations operating as certificated (O.N.C.) and permitted carriers (O.N.C. and Hopper) under the jurisdiction of this Commission. In addition, they operate under the jurisdiction of the Interstate Commerce Commission. The carriers advise that since May 28, 1971, O.N.C. Motor Freight System has been a wholly owned subsidiary of Hopper Truck Lines, and that they have received the authority for O.N.C. and Hopper to merge and Hopper, the surviving corporation, to change its corporate name pursuant to the plenary jurisdiction of the Interstate Commerce Commission under Section 5 of the Interstate Commerce Act.

The Interstate Commerce Commission, Division 1, in Docket No. MC 71459, dated July 7, 1971, authorized the change of

corporate name of Hopper Truck Lines by substituting "O.N.C. Motor Freight System" in place and stead of "Hopper Truck Lines". In a subsequent proceeding, the Interstate Commerce Commission, Division 1, in Docket No. MC 71459-Sub 24, dated September 21, 1971, granted a certificate of public convenience and necessity to engage in interstate or foreign commerce to O.N.C. Motor Freight System (formerly Hopper) as a motor carrier.

The carriers have filed with this Commission a certified copy of the document filed with the California Secretary of State effecting the merger and changing the name of the surviving corporation, together with copies of the orders of the Interstate Commerce Commission authorizing the merger and change in name of the surviving corporation.

After consideration, the Commission finds that public convenience and necessity require the granting of the transfer and change of corporate name and concludes that the request be granted. A public hearing is not necessary.

Hopper Truck Lines, hereinafter named "O.N.C. Motor Freight System", is hereby 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, these rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

IT IS ORDERED that:

1. On or before July 1, 1972, O.N.C. Motor Freight System may transfer and Hopper Truck Lines may acquire the operative rights granted by:

Decision No. 54193, in Application No. 38444
Decision No. 56216, in Application No. 39553
Decision No. 61727, in Application No. 41429
Decision No. 63667, in Application No. 44340

2. The corporate name Hopper Truck Lines is hereby amended by substituting O.N.C. Motor Freight System in place and stead of Hopper Truck Lines.

3. A certificate of public convenience and necessity is hereby granted to O.N.C. Motor Freight System 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 Appendices A and B attached hereto and made a part hereof.

4. O.N.C. Motor Freight System shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the highway common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than five 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 effective date of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A. Failure to comply with and observe the provisions of General Order No. 80-A may result in

cancellation of the authority granted by this decision.

5. Within thirty days after the transfer herein authorized is consummated, O.N.C. Motor Freight System shall file a written acceptance of the certificate. O.N.C. Motor Freight System is placed on notice, if it accepts such certificate, and 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 Series.

6. O.N.C. Motor Freight System shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts 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, may prescribe.

7. O.N.C. Motor Freight System shall comply with the requirements of the Commission's General Order No. 84 Series for the transportation of collect on delivery shipments. If transferee elects not to transport collect on delivery shipments, it shall make the appropriate tariff filing as required by the General Order.

8. The certificate of public convenience and necessity granted in paragraph 3 of this order shall supersede the certificates of public convenience and necessity referred to in paragraph 1 of this order, which certificates are revoked effective concurrently

with the effective date of the tariff filings required by paragraph 4 hereof.

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

Dated at San Francisco, California, this 28th day of March, 1972.

Chairman
William E. Ferguson
James L. Sturgeon
Ed. D. ...
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

O. N. C. Motor Freight System, a corporation, 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:

1. BETWEEN the San Francisco Territory, as described in Appendix 3, on the one hand, and:
 - a. Sacramento and all points located within a radius of twenty miles of Sacramento, on the other hand, with no intermediate points between 20 miles west of Sacramento and San Francisco territory.
 - b. Points on U.S. Highway 99 between Red Bluff and the California-Oregon State Line, including Red Bluff, on the other hand.
 - c. Points on U.S. Highway 97 between Weed and the California-Oregon State Line, on the other hand.
2. BETWEEN Sacramento and all points located within a radius of twenty miles of Sacramento, on the one hand, and Red Bluff and all intermediate points on the following named highways, on the other hand:
 - a. U.S. Highway 99E between Sacramento and Red Bluff, inclusive;
 - b. State Highway 16 between Sacramento and Woodland, inclusive;
 - c. U.S. Highway 99W between Woodland and Red Bluff, inclusive.
3. BETWEEN Sacramento and Redding, on the one hand, and points intermediate between Redding and the California-Oregon State Line, on the other hand, via U.S. Highway 99 and 97 with two mile lateral.
4. BETWEEN Oleum, on the one hand, and, on the other hand, Redding and all points north of Redding to and including the California-Oregon State Line.
5. BETWEEN Redding and Keswick Dam and intermediates within three mile lateral.

Issued by California Public Utilities Commission.

Decision No. 79864, Application No. 41429.

G. Live and/or dressed poultry from Corning, Orland, Willows, Maxwell and Williams, on the one hand, to Oakland and San Francisco, on the other hand.

Applicant shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in item 5 of Minimum Rate Tariff 4-3.
2. Livestock, viz: barrows, boars, bulls, butcher hogs, calves, 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.
3. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailer, tank semitrailers or a combination of such highway vehicles.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. 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.
7. Articles of extraordinary value.
8. Commodities likely to contaminate or damage other freight.
9. Logs.

(END OF APPENDIX A)

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SAN FRANCISCO TERRITORY Includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U. S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U. S. Highway 101; northwesterly along U. S. Highway 101 to Tully Road; north-easterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

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