

ORIGINAL

Decision No. 81532

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of FREDERICK THOMAS JEWETT, an
 individual, doing business as
 MERCURY PARCEL & DRAYAGE SERVICE,
 for a certificate of public conven-
 ience and necessity to extend
 highway common carrier service.

Application No. 53742
 (Filed December 11, 1972;
 amended April 3, 1973)

O P I N I O N

Frederick Thomas Jewett, an individual doing business as Mercury Parcel & Drayage Service, is presently rendering service as a highway common carrier for the transportation of general commodities, with certain exceptions, between points within the San Francisco Territory. He also handles shipments in interstate and foreign commerce pursuant to the commercial zone exemption of Section 203(b)(8) of the Interstate Commerce Act.

By this application, as amended, he requests authority to extend service from, to, and between all points and places located in the following areas and along the following routes:

1. U.S. Highway 101 between San Rafael and San Jose, inclusive, and points within five miles of said route.
2. State Highway 17 between San Rafael and Los Gatos, inclusive, and points within five miles of said route.

Applicant also requests that this Commission find that public convenience and necessity require authority to provide a corresponding service in interstate and foreign commerce. Copies of the application were served upon existing carriers with which the proposed extended service might compete, as well as upon the California Trucking Association and an appropriate notice was published in the Federal Register on December 28, 1972. Protests were filed by Delta Lines, Inc. and J. M. Rose Truck Line, Inc. Said protests were subsequently withdrawn upon the filing of the amendment to the application.

Applicant proposes an on-call service Monday through Friday with both a same-day and next-day delivery, depending upon the time of day shipping orders are received. The proposed rates would be comparable to those contained in Minimum Rate Tariff 2. Applicant owns and operates 10 units of equipment. As of August 31, 1972 applicant indicated a net worth in the amount of \$40,513.

It is alleged that applicant has been rendering service for the past 25 years; that certain of his shippers have used the service since it first commenced; that said shippers have expanded their operations and require service to points beyond the perimeter of the San Francisco Territory; that certain shippers have relocated their plants and are no longer within the territory; that service to points beyond the present certificated area has been performed pursuant to his radial highway common carrier permit; that some of applicant's shippers who use his service in interstate commerce within the commercial zone have requested service to points beyond the commercial zone; and that the proposed service would provide a convenience to many of applicant's shippers who prefer to use one carrier for their shipments, thereby reducing dock congestion and double handling.

After consideration the Commission finds that:

1. Applicant is presently providing service as a certificated carrier between points within the San Francisco Territory on shipments of general commodities moving in intrastate commerce.
2. Applicant is also providing service in interstate and foreign commerce within the commercial zone as an exempt interstate carrier.
3. Because of the ever increasing demands of its customers, applicant has been providing service pursuant to his permits to points within the proposed extended area.
4. Applicant possesses the necessary equipment, and financial ability to provide the proposed service.

5. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application, as amended, and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by the order herein.

6. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted. A public hearing is not necessary.

Applicant 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 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Frederick Thomas Jewett authorizing him 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, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and amend tariffs, in triplicate, in the Commission's office.
- (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 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 No. 80-Series.
- (e) Applicant shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, he 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 certificate of public convenience and necessity granted by Decision No. 71100 in Application No. 48488, as amended by Decision No. 71942 in Application No. 49049, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 5th
day of SEPTEMBER, 1973.

Vernon L. Sturgeon
President
William J. Gerson Jr.
Michael J. Gerson
James H. Gerson
Donald H. Gerson
Commissioners

FREDERICK T. JEWETT
(an individual)
doing business as
MERCURY PARCEL & DRAYAGE SERVICE

Frederick T. Jewett, by the certificate of public convenience and necessity granted in 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. From, to and between all points and places located along the following routes and within 5 miles laterally thereof:
 1. U. S. Highway 101 between San Rafael and San Jose, inclusive;
 2. State Highway 17 between San Rafael and Los Gatos, inclusive.

In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service.

Except that pursuant to the authority herein granted, 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 accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B.
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.

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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.
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 highway vehicles.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Fresh fruits and vegetables, nuts in the shell and mushrooms, from point of growth or from accumulation points to canneries, packing sheds, precooling points, wineries and cold storage plants.
12. Explosives and dangerous articles.
13. New furniture, loose; not in packages nor completely wrapped.
14. Garments on hangers.
15. Baled hay, fodder and straw.

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16. (Numbers referred to are item numbers of National Motor Freight Classification A-13, (Cal.P.U.C. No. 11), on the date of issue thereof:
- (a) Toilet Paper, Napkin Paper or Toweling, as described in Item 151460.
 - (b) Toilet Seat Covers or Paper Towels, as described in Item 151480.
 - (c) Paper Towels, as described in Item 151490.
 - (d) Wrapping Paper, as described in Item 151780.
 - (e) Wrapping Paper, as described in Item 151800.
 - (f) Coasters, as described in Item 152520.
 - (g) Paper Doilies or Place Mats, as described in Item 153000.
 - (h) Paper Napkins, Table Cloths, Doilies, Facial Cleansing Tissues, Handkerchiefs, Neck Strips, or Place Mats, as described in Item 153020.
 - (i) Paper or Paperboard Bath Mats, as described in Item 153700.
 - (j) Excelsior, Paper (Shredded Paper), as described in Item 153080.

(END OF APPENDIX A)

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