

Decision No. 82032

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of GARMENT CARRIERS, INC., for a
certificate of public convenience
and necessity to extend its high-
way common carrier service.

Application No. 54041
(Filed May 18, 1973;
amended July 12, 1973)

O P I N I O N

Applicant operates as a highway common carrier for the transportation of garments, clothing, and wearing apparel, when transported on garment hangers, and also cloth, dry goods, fabrics, and commodities incidental thereto, between Los Angeles, San Francisco, Sacramento, and specified intermediate points. The authority is set forth in Decision No. 79291 dated November 2, 1971 in Application No. 52820. It also operates in intrastate commerce pursuant to radial highway common carrier and highway contract carrier permits issued by this Commission and in interstate commerce pursuant to authority issued by the Interstate Commerce Commission.

By this application, as amended, applicant seeks authority to extend its highway common carrier service to points south of Los Angeles to San Diego, north of San Francisco to Santa Rosa, north of Sacramento to Marysville, south of San Jose to Santa Cruz, Salinas, and Monterey, south of Exeter to Bakersfield, and east of Los Angeles to Indio; to serve all points within 25 miles of the points on named routes; to transport garments, clothing, and wearing apparel in cartons; and to substitute a specific listing of all commodities it will transport for the general category listings in its current certificate. The amendment adds a restriction to the sought authority which provides that "no service will be performed for the transportation of wearing apparel, on hangers, between

Los Angeles and points in San Diego County'. Applicant does not request any extensions of or additions to its current interstate authority.

The proposed transportation will be daily, Monday through Friday, and time-in-transit will be overnight. Applicant intends to establish rates and rules for the transportation of hanging garments andwearing apparel to and from the sought extended areas at levels which are comparable to those for like service published in its Local Freight Tariff 1, Cal. PUC 2, and Joint Freight Tariff 1, Cal. PUC 3. It is alleged that no costs will be experienced in the proposed operation which do not exist in applicant's present service and that, for this reason, such rates should be reasonable for the expanded service. For other than hanging garment-shipments, the rates to be assessed will be on a parity with those in the Commission's Minimum Rate Tariff 2 and will be published in Western Motor Tariff Bureau, Inc.'s Tariff 111.

Applicant and its two affiliated companies, A&B Garment Delivery (Los Angeles) and A&B Garment Delivery of San Francisco have performed the specialized type of transportation service involved herein for many years. For the year 1972, the net profit after taxes for applicant was \$68,451 and for the three companies was \$239,388. Applicant has 34 pieces of equipment and 37 employees. The two affiliated companies have substantially more equipment and employees. The three companies have terminals in six major cities.

The application states that the reason for the specific listing of commodities in the certificate is to obtain uniformity with the authority granted to applicant by the Interstate Commerce Commission and to eliminate any confusion between its employees and the shipping public as to what commodities it is obligated to transport; that applicant's operations have continued to grow; that the additional authority has been requested in response to requests from the shipping public for service to these areas; and that the sought authority will not have a major effect on the environment.

Copies of the application and amendment were served in accordance with the Commission's procedural rules, and they were listed on the Commission's Daily Calendar. No protests have been received.

The Commission finds that:

1. Applicant possesses the necessary equipment, facilities, experience, and financial ability to provide the proposed additional service.

2. Public convenience and necessity require that applicant be authorized to provide the service proposed in the application.

3. Applicant's current certificated operating authority and the additional authority granted herein should be combined and restated in an in-lieu certificate of public convenience and necessity.

4. The Commission has previously authorized the applicant to publish rates for hanging garment shipments which are less than the established minimum rates. For other than hanging garment shipments the rates are on parity with those in Minimum Rate Tariff 2.

5. Applicant's results of operation under its existing rates have been profitable. The transportation service for the proposed expanded operation involved may reasonably be expected to continue to be profitable. The publication of rates for hanging garment shipments at levels which are comparable to those currently established is justified by transportation conditions.

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

7. A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order, also, applicant should be authorized to publish rates for hanging garment shipments to and from the extended areas at its existing tariff rates.

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 Garment Carriers, 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 set forth in Appendix A, attached hereto and made a part hereof.
2. Garment Carriers, Inc. is hereby authorized to depart from the established minimum rates and publish and file its existing tariff rates for transportation of hanging garments from and to points set forth in Appendix A.
3. 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 it accepts the certificate it 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 or file 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 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.
- (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, it shall make the appropriate tariff filings as required by the General Order.

4. Garment Carriers, Inc., in establishing and maintaining the rates authorized hereinabove, is hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long and short-haul departures which are necessary under the authority granted herein; the schedules containing the rates published under this authority shall make reference to this order.

5. 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. 79291, 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 24th day of OCTOBER, 1973.

William L. Thompson
President
William J. Lyons, Jr.
HB 11/11/73
John J. [illegible]
[illegible]
Commissioners

Garment Carriers, Inc., 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:

Hanging or cartoned garments, clothing and wearing apparel and component parts used in the manufacture thereof, as defined in Note A, (except natural furs and natural fur or fur-trimmed garments), handbags and costume jewelery.

Except that pursuant to the authority herein granted, carrier shall not transport any shipments of wearing apparel, on hangers, between the City of Los Angeles on the one hand and points in San Diego County on the other hand.

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

Serving between all points and places within the following described territory, or within 25 miles of any point therein,

Beginning at Mussel Point on Bodega Head following an imaginary line drawn northeasterly to the City of Marysville, thence southerly along State Highway 70 and continuing on State Highway 99 to its junction with State Highway 198, easterly on State Highway 198 to the junction of State Highway 65, southerly on State Highway 65 and continuing on State Highway 99, thence Interstate Highway 5 to the prolongation of the corporate boundary of the City of San Fernando; westerly and northerly along said prolongation and the corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to

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Bryant Street; southerly along Bryant Street and its prolongation to Interstate Highway 10; southerly and easterly along Interstate Highway 10 to the City of Indio; thence following an imaginary line southwesterly to San Ysidro; thence westerly along the International Boundary Line to the Pacific Ocean; thence northerly along the shore line of the Pacific Ocean to the point of beginning.

Note A

Aprons	Hampers
Bathrobes	Handkerchiefs
Bathing suits	Hats
Bed jackets	Hangers, garment
Belts	Hooks and eyes
Blouses	Hoovers
Boleros	Hose supporters
Brassiers	Hosiery
Breeches	Housecoats
Buckles, loops and slides	House dresses
Buttons	Jackets
Button blanks	Jerkins
Caps	Jodphurs
Capes	Jumpers
Cloaks	Laces
Coats	Leggings
Costumes	Lingerie
Coveralls	Lumber jackets
Designs	Maternity dresses
Dickies	Measuring devices, tailoring
Dresses	Mittens
Dungarees	Neckwear
Elastics	Needles
Embroidery	Negligees
Evening gowns	Nightgowns
Eyelets and eyelet hooks	Overalls
Fasteners, slide and snap	Overcoats
Fur	Outer water repellent garments
Fur coats	Pajamas
Fur goods	Pants
Furs	Party dresses
Gloves	Patterns
Gowns	Pedal pushers
Guimpes	Piece goods, cut and uncut
Gym pants	Pinafores
Gym suits	Pins

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Petticoats
Play suits
Polo shirts
Racks
Rainwear
Riding breeches
Robes
Rompers
Sarongs
Shirts
Shoes
Shorts
Ski pants
Skirts
Slacks
Slack sets
Slips
Slipover sweaters
Smocks

Snow suits
Sport jackets
Short shirts
Sweaters
Suits
Sun suits
Suspenders
Thimbles
Thread
Ties
Topcoats
Trousers
Trunks
Underwear
Vestees
Vests
Water repellent garments
Wraps
Zippers

(END OF APPENDIX A)

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