

ORIGINAL

Decision No. 83363

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TY-ROE ENTERPRISE,
a corporation doing business as AIR
CARGO X-PEDITERS, for a certificate
of public convenience and necessity
as a freight forwarder between San
Jose, Burbank, Los Angeles and
Orange County Airports, in the State
of California.

Application No. 54715
(Filed March 7, 1974;
amended April 17, 1974)

O P I N I O N

Ty-Roe Enterprise, a California corporation, doing business as Air Cargo X-Pediters, requests a certificate of public convenience and necessity authorizing operations as a freight forwarder via the lines of air common carriers between the San Jose, Burbank, Los Angeles, and Orange County airports.

Applicant's principal place of business is located in San Jose, and it is presently authorized to transport property between points within the State as a permitted carrier. Applicant owns and operates nine units of equipment and as of September 30, 1973 it indicated a net worth in the amount of \$51,974.

Applicant proposes to pick up shipments, transport them to the various airports, arrange for shipment via one of the air common carriers, and then to make delivery. Applicant will utilize its own equipment for the purpose of making pickups and deliveries to points within a radius of 25 miles of the airports and will use the services of highway common carriers or passenger stage corporations to points beyond and in the event of an emergency will use their services as underlying carriers.

It is alleged that applicant is currently engaged in the transportation of small shipments of electronic parts weighing 40 pounds or less; that the granting of the requested authority will enable applicant to provide its customers with an expedited service; and that applicant has received numerous requests from its customers for the proposed service.

Copies of the application were served upon air freight forwarders with which applicant might compete. No protest has been received.

After consideration the Commission finds that public convenience and necessity require the granting of the application. A public hearing is not necessary.

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

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 Ty-Roe Enterprise, authorizing it to operate as a freight forwarder as defined in Section 220 of the Public Utilities Code as more particularly set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with and observe the following service regulations. Failure so to do may result in a 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.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and 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. 117-Series.

- (e) Applicant 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 required by the General Order.
- (g) Applicant shall comply with the requirements of the Commission's General Order No. 100-Series if applicant intends to operate a motor vehicle under this authority.

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

Dated at San Francisco, California, this 27th
day of AUGUST, 1974.

Vernon L. Stevenson
President
William J. Simon, Jr.

[Signature]
[Signature]
Commissioners

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

Ty-Roe Enterprise, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a freight forwarder, as defined in Section 220 of the Public Utilities Code, via the lines of air common carriers, highway common carriers and passenger stage corporations, subject to the following conditions:

1. Ty-Roe Enterprise shall not ship or arrange to ship any property unless such property shall have transportation by aircraft originate at one of the following airports:

LOS ANGELES INTERNATIONAL AIRPORT
SAN JOSE MUNICIPAL AIRPORT
ORANGE COUNTY AIRPORT
HOLLYWOOD-BURBANK AIRPORT

and terminate at another of the above-listed airports.

2. Shipments exceeding 200 pounds per piece shall be subject to prior notification.

3. In emergency situations, highway common carriers or passenger stage corporations may be used as underlying carriers to provide transportation between airports.

4. No collection or distribution service shall be provided by Ty-Roe Enterprise to or from any point more than 25 airline miles distant from any airport served by it unless said service beyond said 25 airline miles is performed by a highway common carrier. As used herein, "point" means any point within 25 airline miles of the city limits of any city in which is located an airport, or 25 airline miles of any airport located in an unincorporated area.

5. Ty-Roe Enterprise shall establish door-to-door rates for service between airports, including points within 25 airline miles thereof, as defined in paragraph 4 herein. On traffic moving

Issued by California Public Utilities Commission.

Decision No. 83363, Application No. 54715.

to or from points beyond said 25-airline mile radius, Ty-Roe Enterprise shall, in addition to said door-to-door rates, assess the lawful tariff rates of any highway common carrier utilized to perform said beyond service.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 83363, Application No. 54715.