

Decision No. 83460**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PAK MOVING, INC., for a certificate
of public convenience and necessity
authorizing transportation of
baggage between specified points
in California.

Application No. 54631
(Filed February 5, 1974)

O P I N I O N

Pak Moving, Inc., a California corporation requests a certificate of public convenience and necessity as a highway common carrier authorizing the transportation of baggage between points within an area from Santa Rosa, Yuba City, and Marysville, on the north, to San Jose, Gustine, and Merced, on the south. Applicant also seeks corresponding interstate authority. Copies of the application were served upon carriers with which the proposed service might compete and an appropriate notice was filed in the Federal Register. No protest has been received.

Applicant, whose principal place of business is in Suisun City, proposes a daily service, Monday through Friday. The time-in-transit would be both same day and overnight, depending upon the time of day requests for service are received.

Applicant owns eight units of equipment and as of September 30, 1973 indicated a net worth in the amount of \$18,058.

It is alleged that applicant and its predecessor, a sole proprietorship, have engaged in for-hire transportation in the proposed area for many years; that operations were initially conducted as a local household goods carrier, but due to the requirements of the shipping public for a specialized service for the transportation of baggage, applicant commenced providing transportation for such freight;

that the volume of these shipments has been gradually increasing as has the frequency of applicant's movement in providing said service; that because of the growth and the increase in requirements of the shippers for this type of specialized transportation, applicant has filed its request for a certificate so that it might meet the present and future public need for the proposed service.

Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application 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 this decision.

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 Pak Moving, 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. 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 administered by 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 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.

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

Dated at Los Angeles, California, this 17th day of SEPTEMBER, 1974.

I dissent:

[Signature], Commissioner

[Signature]
President
[Signature]
[Signature]
Commissioners

PAK Moving, 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 baggage as follows:

1. Between all points and places in the San Francisco Territory as described in Note A and all points and places within 10 miles of any point therein;
2. Between all points on or within 10 miles of points on the following routes:
 - a. State Highway 65, between its junction with State Highway 70 at Olivehurst and its junction with Interstate Highway 80 near Roseville, inclusive;
 - b. State Highway 70, between Marysville and Sacramento, inclusive;
 - c. State Highway 20, between Yuba City and Marysville, inclusive;
 - d. State Highway 113, between Tudor and its junction with Interstate Highway 80 near Davis, inclusive;
 - e. Interstate Highway 80, between the San Francisco Territory and its junction with State Highway 65 near Roseville, inclusive;
 - f. U.S. Highway 101, between Santa Rosa and the San Francisco Territory, inclusive;
 - g. State Highway 12, between Santa Rosa and Lodi, inclusive;

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- h. State Highway 29, between Napa and Vallejo, inclusive;
- i. State Highway 37, between its junction with U.S. Highway 101 near Ignacio and its junction with Interstate Highway 80 northeast of Vallejo, inclusive;
- j. State Highway 17, between its junction with U. S. Highway 101 near San Rafael, and Richmond, inclusive;
- k. Interstate Highway 680, between Vallejo and the San Francisco Territory, inclusive;
- l. State Highway 4, between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive;
- m. Interstate Highway 580, between the San Francisco Territory and its junction with Interstate Highway 5 near the San Joaquin-Stanislaus County Line, inclusive;
- n. Interstate Highway 205, between its junction with Interstate Highway 580 near the Alameda-San Joaquin County Line and its junction with Interstate Highway 5 northeast of Tracy, inclusive;
- o. Interstate Highway 5, between Stockton and its junction with State Highway 140 west of Gustine, inclusive;
- p. State Highway 99, between Sacramento and Merced, inclusive;

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- q. State Highway 140, between its junction with Interstate Highway 5 west of Gustine, and Merced, inclusive;
- r. State Highway 132, between its junction with Interstate Highway 5 west of Vernalis, and Modesto, inclusive;

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

Note A

SAN FRANCISCO TERRITORY

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 Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 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 two 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 Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to

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Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along 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; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including 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 shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)

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