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ORIGINAL

Decision No. 83798

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }  
GIBRALTAR WAREHOUSES, a corporation, }  
for a certificate of public conve- }  
nience and necessity authorizing }  
transportation as a highway common }  
carrier of property between Union }  
City, on the one hand, and, on the }  
other, specified San Francisco Bay }  
Area points. }

Application No. 55023  
(Filed July 11, 1974)

O P I N I O N

Applicant is a California corporation engaged primarily in the operation of public utility warehouses in the Bay Area. Applicant's principal place of business is in Union City, and it operates as a certificated highway common carrier of general commodities between specified points in the San Francisco Bay area as set forth in Decision No. 81602 dated July 17, 1973 in Application No. 53941.

Applicant has applied for an in lieu certificate to authorize the transportation of general commodities, with certain exceptions, in intrastate commerce between San Francisco and points in the East Bay and San Francisco and points down the Peninsula to San Jose; also in intrastate, interstate, and foreign commerce between Union City and points in the East Bay and down the Peninsula. The interstate or foreign commerce is to be restricted to movements beginning at or ending at applicant's warehouses in Union City. This extension of authority will permit applicant to haul goods in interstate and foreign commerce from or to its warehouses. Applicant will use its own trucks for this transportation due to the uncertainty of relying on other carriers to meet complex steamship sailing deadlines. The rates, rules, and regulations covering

the proposed service will be similar to those provided in the Commission's Minimum Rate Tariff 2. Service will be provided every day on an overnight basis.

Applicant's operating equipment includes 1 pickup, 10 van trucks, 7 tractors, 6 van semitrailers, and 1 flatbed trailer. Applicant's financial statement as of December 1973 shows total assets of \$324,717.75, current liabilities of \$8,629.79, and net income of \$49,979.82

Copies of the application were mailed to 73 carriers who operate in the area to be served. Notice of the filing of this application was published in the Commission's Daily Calendar and the Federal Register. No protests have been received.

Upon consideration of the evidence the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the application be granted.
3. Public hearing is not necessary.
4. With reasonable certainty the project involved in this proceeding will not have a significant effect on the environment.
5. 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.

The Commission concludes that the application should be granted as set forth in the ensuing order. The territorial description or routes of the authority granted reflect the names of

redesignated highways and roads and do not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

The order which follows will provide for the issuance of a restated certificate of public convenience and necessity and the revocation of all existing certificated highway common carrier authority.

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 Gibraltar Warehouses, a corporation, 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 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 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.

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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. 81602, 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 10<sup>th</sup> day of DECEMBER, 1974.

Vernon L. Steigen  
President  
William J. Lyons  
Thomas Moran  
Robert E. Meiland  
Commissioners

Gibraltar Warehouses, 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 between:

- A. San Francisco, on the one hand, and Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, Union City, El Cerrito, Milpitas, and Fremont, on the other hand.
- B. San Francisco, on the one hand, and Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, and El Cerrito, on the other hand.
- C. San Francisco, on the one hand, and points on State Highway 82 between Daly City and San Jose, and points on Bayshore Boulevard and U. S. Highway 101 between Daly City and San Jose, on the other hand.

Restrictions:

Such authority does not include the right to render service to, from or between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in subparagraphs A, B and C.

II. Between the following points, in intrastate and interstate and foreign commerce:

- A. Union City, on the one hand, and San Francisco, Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, El Cerrito, Milpitas, Fremont, and Los Gatos, on the other hand.

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- B. Union City, on the one hand, and points on State Highway 82 between Daly City and San Jose, and points on Bayshore Boulevard and U.S. Highway 101 between Daly City and San Jose, on the other hand.
- C. 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.

Restriction:

Transportation performed in interstate or foreign commerce shall be restricted to movements beginning at or ending at Applicant's warehouses in Union City.

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.
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.

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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. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

(END OF APPENDIX A)

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