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Decision No. 84121

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of TRUCK INVESTMENT COMPANY, a limited partnership, and BEST WAY INVESTMENTS, a limited partnership, doing business as MOORE TRUCK LINES, a general partnership, for a certificate of public convenience and necessity to extend their present operating authority in the vicinity of San Leandro, Redding and Bakersfield.

Application No. 55343  
(Filed November 25, 1974)

O P I N I O N

Truck Investment Company, a limited partnership, and Best Way Investments, a limited partnership, doing business as Moore Truck Lines, a general partnership,<sup>1/</sup> presently providing service as a highway common carrier for the transportation of general commodities, with certain exceptions, within an area from Redding, on the north, to Bakersfield on the south, request authority to extend service as follows:

1. Within a radius of 40 air miles of the city of San Leandro.
2. Within a radius of 25 air miles of the city of Bakersfield.
3. Within a radius of 20 air miles of the city of Redding.

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<sup>1/</sup> The legal entities involved here are: Frank L. Moore, general partner; Kathleen L. Moore, Marilyn L. Moore, Jennifer E. Moore, Frank L. Moore, Jr., Thomas E. Moore and James T. Hitchcock, limited partners, doing business as Truck Investment Company; Jerre R. Moore, general partner; Michael J. Moore, Timothy L. Moore, Terrence D. Moore and Dee Ann M. Moore, limited partners, doing business as Best Way Investments; joined in a general partnership, doing business as Moore Truck Lines.

The applicants acquired the certificated authority issued in Decision No. 79157 dated September 21, 1971 in Application No. 51182 to Frank L. Moore and Jerre R. Moore, their predecessor partnership, pursuant to Decision No. 80467 dated August 31, 1972 in Application No. 53462. A portion of their authority authorizes them to provide service within a radius of 25 air miles of the city of San Leandro, within 25 air miles of U.S. Highway 99 between Sacramento and Bakersfield, and within 20 air miles laterally of State Highway 99 and Interstate Highway 5 between Redding and Yuba City.

Applicants own and operate 98 units of equipment and as of September 30, 1974 indicated a net worth in the amount of \$492,835.

It is alleged that applicants have continuously engaged in the transportation of general commodities for many years; that with the growth of the areas in the vicinity of San Leandro, Redding, and Bakersfield there has been an increasing demand from suppliers and consumers of various materials for the services of applicants within the extended areas applied for; that their shippers continuously request their services to points in the extended areas; that because of the frequency of the movements applicants are concerned with the legal status of permitted operations to the proposed areas; and that they are ready, willing, and able to serve the extended areas as a certificated carrier.

Copies of the application were served upon 32 existing certificated carriers with which the proposed service would compete. No protest has been received.

After consideration the Commission finds that:

1. Applicants have conducted extensive permitted and certificated operations for many years.
2. With the growth and development of the areas within the vicinity of the cities of San Leandro, Redding, and Bakersfield

there has been an increasing demand by customers of applicants to extend service to the proposed areas.

3. Applicants possess the necessary equipment and financial ability to provide the proposed service.

4. Public convenience and necessity require the extensions of applicants' service as proposed.

5. With reasonable certainty the project involved in this proceeding will not have a significant effect on the environment. The Commission concludes that the application should be granted as set forth in the ensuing order. It will be granted by restating applicants' authority in the form of a new certificate. The word "air", when referring to miles, will not be used in describing lateral or radial distances in the new certificate, since the Commission has decided that in certificates delineating operative rights of carriers, distances shall be measured in a straight line without regard to terrain features (Decision No. 61585 dated February 28, 1961 Case No. 6482, 58 Cal. P.U.C. 526). A public hearing is not necessary.

Applicants are 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 the applicants, a general partnership, doing business as Moore Truck Lines, authorizing them 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 of this decision.

2. In providing service pursuant to the authority granted by this order, applicants 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, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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) Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.
- (f) Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants elect not to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

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. 79157 dated September 21, 1971 in Application No. 51182, 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 19/7/75  
day of FEBRUARY, 1975.

Vernon L. Sturgeon  
President  
William Synovick  
[Signature]  
Leonard Ross  
Commissioners

Truck Investment Company, a limited partnership and Best Way Investments, a limited partnership, jointly doing business as Moore Truck Lines, a general partnership,<sup>1/</sup> 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:

1. Between all points and places within the territory bounded as follows:

From San Francisco via Interstate Highway 20 to Sacramento; thence south on State Highway 99 to its junction with State Highway 4, near Stockton; west on State Highway 4 to its junction with Interstate Highway 5; south on Interstate Highway 5 to its junction with Interstate Highway 205 (Business Route); southwest and west on Interstate Highway 205 (Business Route), via Tracy, and continuing on Interstate Highway 205 to its junction with Interstate Highway 580; westerly and northwesterly on Interstate Highway 580 to its junction with Interstate Highway 80; and including all points and places within 15 miles laterally of the outer perimeter of the named highways;

2. Between all points and places within a radius of 40 miles of the City of San Leandro;

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<sup>1/</sup> Truck Investment Company: Frank L. Moore, general partner; and Kathleen L. Moore, Marilyn L. Moore, Jennifer E. Moore, Frank L. Moore, Jr., Thomas E. Moore and James T. Hitchcock, limited partners. Best Way Investments: Jerre R. Moore, general partner; and Michael J. Moore, Timothy L. Moore, Terrence D. Moore and Dee Ann M. Moore, limited partners.

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3. Between all points and places:
- (a) On and within 10 miles laterally of State Highway 20 between Yuba City and Marysville, State Highway 65 between Marysville and its junction with Interstate Highway 80, and Interstate Highway 80 between its junction with Highway 65, and Sacramento, inclusive;
  - (b) On and within 25 miles of State Highway 99 between Sacramento and Bakersfield, including points within a 25 mile radius of Bakersfield, inclusive;
  - (c) On and within 15 miles laterally of State Highway 120 between its intersection with Interstate Highway 5, and Manteca, inclusive;
  - (d) On and within 5 miles laterally of State Highway 33 between its intersections with Interstate Highway 205 (Business Route) and State Highway 180, inclusive; and
  - (e) On and within 5 miles laterally of State Highway 180 between its intersection with State Highway 33 and Fresno, inclusive.
4. Between and including Sacramento and Auburn and all points and places on and within 15 miles laterally of Interstate Highway 80.
5. Between and including Redding and Woodland and all points and places on and within 20 miles laterally of Interstate Highway 5 and within a 20 mile radius of Redding.
6. Between and including Red Bluff and Yuba City and all points and places on and within 20 miles laterally of State Highway 99.
7. Between all points and places listed in Paragraphs 4, 5, and 6, and between all points and places listed in Paragraphs 4, 5, and 6, on the one hand, and all points and places listed in Paragraphs 1, 2, and 3, on the other hand.

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Though routes and rates may be established between any and all points described in paragraphs 1 through 6 above.

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.

Except that pursuant to the authority herein granted carrier shall not transport any shipment of:

1. Used household goods and personal effects not packed in salesman's hand sample cases, suit-cases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
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, chassis.
3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, 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.

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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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