

Decision No. 85149**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of BRAKE DELIVERY SERVICE-MEIER)
 TRANSFER SERVICE, a California)
 corporation, for an extension of)
 its certificate of Public Conven-)
 ience and Necessity to operate)
 as a Highway Common Carrier for)
 the transportation of property)
 in intrastate and interstate and)
 foreign commerce, and for an in)
 lieu Certificate of Public Con-)
 venience and Necessity therefor.)

Application No. 55732
 (Filed June 12, 1975)

O P I N I O N

Applicant requests an in lieu certificate of public convenience and necessity as a highway common carrier and a finding of public convenience and necessity under Section 206 (a)(6) of the Interstate Commerce Act for coextensive operations in interstate and foreign commerce for the transportation of general commodities, with the usual exceptions, between points in the general Los Angeles Area, as defined in its present certificate, and Goleta and points intermediate thereto.

Applicant presently operates as a highway common carrier for transportation of general commodities, with the usual exceptions, between and within the said Los Angeles Area and the San Diego Territory pursuant to a certificate issued by Decision No. 62448, dated August 22, 1961, in Application No. 42800. The certificate is subject to a Certificate of Registration issued by the Interstate Commerce Commission in Docket No. MC-96679, Sub. No. 1. In addition, the applicant holds a highway common carrier certificate for transportation of drugs and medical supplies and related goods between Los Angeles

and Santa Barbara and Los Angeles and Ontario and intermediate points. Said certificate was issued by Decision No. 56648, dated May 6, 1958, in Application No. 36337 and transferred to applicant by Decision No. 66188, dated October 22, 1963, in Application No. 36337 but has not been registered with the Interstate Commerce Commission.

The applicant alleges that for many years it has provided certificated service in intrastate and interstate and foreign commerce in the general area adjacent to the requested area; that it has provided intrastate service for the requested area under its permitted authority and has received requests to handle interstate and foreign shipments in this area.

Applicant further alleges that the requested territorial addition will enable it to meet more adequately the needs of its present customers and to render a more complete service. Service will be provided daily, except on Sunday, and on Saturday upon request.

Applicant participates in tariffs published by Western Motor Tariff Bureau, Inc., Agent. It proposes to establish rates and rules under the requested certificate in the tariffs to which it is presently a party.

Applicant's financial statements as of December 31, 1974, show assets of \$1,610,256 and liabilities of \$1,194,438. The application lists a substantial fleet of highway equipment available for the proposed service.

The applicant has requested relief from the provisions of Rule 37 of the Commission's Rules of Practice and Procedure, which requires that copies of the application be widely disseminated. It is alleged that copies of the application were mailed to the California Trucking Association and the carriers with which the proposed service is likely to complete. It is

further alleged that the deviation is justified under Rule 87, to provide just, speedy and inexpensive determination of the issues presented.

A copy of the application has been filed with the Interstate Commerce Commission under Section 206 (a)(6) of the Interstate Commerce Act and notice thereof appeared in the Federal Register on July 9, 1975. Notice of the filing of the application with this Commission appeared in the Commission's Daily Calendar of June 13, 1975. No protests to the application have been received.

The requested authority would be a logical extension of the applicants existing certificated service. It would enable the applicant to better fulfill the needs of its intrastate shippers and to be responsive to requests for transportation of interstate and foreign commerce in the area involved.

After consideration the Commission finds:

1. Applicant operates as a highway common carrier in the area adjacent to the specific area covered by the application.
2. Applicant has been providing intrastate service in the area subject to the application under its highway permit authority and has received requests to handle its interstate foreign commerce shipments in the requested area.
3. Applicant has the experience, equipment and financial resources to institute and maintain the service authorized herein.
4. There exists a need for applicant's service in intrastate and interstate and foreign commerce within the area referred to in the application.
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.

6. The applicant has requested a deviation from the Commission's Rules of Practice and Procedure.

7. We find with reasonable certainty that 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. A public hearing is not necessary. The authority granted herein shall be included in an in lieu certificate, as set forth in Appendix A hereof, which also includes the authority previously granted by Decision No. 62448. The routes of the authority granted reflect the names of redesignated highways and do not in any way exceed the geographical scope of the proposed operation as published in the Federal Register. The certificate granted by Decision No. 55648 will be separately restated in Appendix B hereof to eliminate duplication with the authority set forth in Appendix A.

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. Certificates of public convenience and necessity are granted to Brake Delivery Service-Meier Transfer Service, a California 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 Appendices A and B, 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 authorities.
 - (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificates granted. Applicant is placed on notice that if it accepts the certificates 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 or 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.

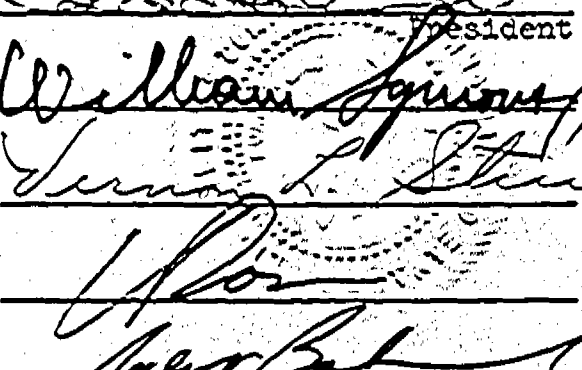
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable 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.

3. The certificates of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificates of public convenience and necessity granted by Decisions Nos. 62448 and Decision No. 56648 which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

4. Applicant is granted a deviation from Rule 37 of the Commission Rules of Practice and Procedure to the extent requested in the application.

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

Dated at San Francisco, California, this 18th
day of November, 1975.



President
William J. ...

Commissioners

Brake Delivery Service-Meier Transfer Service, a California corporation, 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:

Part I

- A. Between all points and places in the Los Angeles Basin Area as described in Part II herein.
- B. Between all points in the Los Angeles Basin Area, on the one hand and all points in the San Diego Territory as described in Part II herein on the other hand, including service to and from intermediate points on and along Interstate Highway 5 and State Highway 1.
- C. Between Los Angeles and Goleta via U. S. Highway 101 and State Highway 1 with service to all intermediate points north of said Los Angeles Basin Area.
- D. Between Los Angeles and Goleta via Interstate Highway 5 to Newhall Ranch thence via State Highway 126 to U. S. Highway 101 near Ventura with service to all intermediate points north of said Los Angeles Basin Area.

RESTRICTION: The service described in Paragraphs C & D is restricted against the handling of freight forwarder traffic and traffic having a prior movement by motor vehicle when moving on joint rates.

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- E. Through routes and joint rates may be established between any and all points described above and between the said points, on the one hand, and points served by other carriers, on the other hand, at the most convenient point of interchange.

In performing the service authorized in Part I herein, 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 shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, 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, 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-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

PART II

LOS ANGELES BASIN AREA

Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean; thence along the westerly and northerly boundaries of said city to its point of first intersection with the southerly boundary of the Angeles National Forest; thence along the southerly boundary of the Angeles and San Bernardino National Forests to the State Highway 38; westerly along State Highway 38 to Bryant Street; southerly along Bryant Street to Yucaipa Boulevard including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; (formerly U.S. Highway 99) northwesterly along Interstate Highway 10 to and including the City of Redlands; westerly along Interstate Highway 10 to Mt. Vernon Avenue (formerly U.S. Highway 395); southerly along Mt. Vernon Avenue to La Cadena Drive (formerly State Highway 18); southwesterly along La Cadena Drive to State Highway 91; southerly and westerly along State Highway 91 to State Highway 55; southerly along State Highway 55 and the prolongation thereof to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to the point of beginning.

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SAN DIEGO TERRITORY

Includes that area embraced by the following imaginary line starting at the northerly junction of U. S. Highways No. 101-E and 101-W (four miles north of La Jolla); thence easterly to Miramar on State Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on Interstate Highway 8; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning.

(END OF APPENDIX A)

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Brake Delivery Service-Meier Transfer Service 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 the following:

1. Drugs, Medicines or Toilet Preparations as described in Items Nos. 33270 through 33770 of the Western Classification No. 76, J. P. Hackler, Agent, on the issue date thereof.
2. Dental Hospital or Surgical Supplies, viz: Bandages or Dressings, as described in Item 32330 and Cotton, absorbent, or absorbent Cotton Waste, as described in Item 32360 of the Western Classification No. 76, J. P. Hackler, Agent on the issued date thereof.

Between Los Angeles and Santa Barbara via:

1. U. S. Highway 101.
2. State Highway 1.
3. Interstate Highway 5 to Newhall Ranch thence via State Highway 126 to its intersection with U. S. Highway 101 near Ventura.

NOTE: The authority granted includes the right to serve all intermediate points.

(END OF APPENDIX B)

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