

Decision No. 85927**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
KEEP ON TRUCKING COMPANY, INC., for a	)	Application No. 56052
certificate of public convenience and	)	(Filed November 6, 1975;
necessity authorizing operations as a	)	amended April 12, 1976)
highway common carrier.	)	

O P I N I O N

Applicant operates pursuant to a highway contract carrier permit which authorizes the transportation of general commodities, with the usual exceptions, throughout the State. By this application, as amended, it seeks a certificate of public convenience and necessity to transport iron and steel articles in intrastate, interstate, and foreign commerce between all points and places in the Los Angeles Basin Territory and between points in that territory and points in the San Diego area. The specific iron and steel articles sought to be transported are described in the list in Exhibit A-1 of the amendment to the application. This is the same list set forth in the Interstate Commerce Commission's decision in Ex Parte No. MC-45, Descriptions in Motor Carrier Certificates, 61 MCC 209, at pp. 276, 277, and 278 thereof. 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 November 16, 1975.

The application states as follows: Applicant and its predecessor company have been transporting iron and steel articles for a considerable period of time primarily between those points it proposes to serve as a certificated carrier. The demand by the public

for this service by applicant in the sought area has been continually increasing. As a result, the frequency and regularity of this operation are now at a point where it is questionable whether the permitted authority it possesses is adequate for the character of transportation it is performing. It is reasonable to anticipate that this trend will continue in the future. The proposed service will be daily, Monday through Friday, with same-day or overnight service depending on the time of day the request for service is received. The rates to be assessed will be on the same level as those contained in Minimum Rate Tariff 2 and other applicable minimum rate tariffs, and a tariff containing such rates and related rules will be filed by applicant upon receipt of the sought authority. Applicant has sufficient equipment to provide the proposed service and should the need arise, it has the financial resources to add any additional equipment that may be needed. Public convenience and necessity require the proposed service in both intrastate and interstate and foreign commerce.

Applicant's balance sheet dated June 30, 1975 shows assets of \$164,196, liabilities of \$85,463, and a stockholder's equity of \$78,733. For the nine months ending June 30, 1975, it had income of \$643,337, expenses of \$558,227, and a profit of \$54,727 after provisions for federal and state income taxes.

Notice of the filing of the application was served on competing carriers and the application was listed on the Commission's Daily Calendar. With the amendment restricting the sought authority to the transportation of iron and steel articles only, protests filed on behalf of five highway common carriers were withdrawn. No other protests have been received.

Findings

1. Applicant has the experience, equipment, and ability to provide the proposed service.

2. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application, as amended, and also require that the 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.

3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

4. A public hearing is not necessary.

Conclusion

The application, as amended, should be granted as set forth in the ensuing order.

Keep On Trucking Company, Inc. 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 Keep On Trucking Company, Inc., 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 of this decision.

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 April 30 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 San Francisco, California, this 8<sup>th</sup> day of JUNE, 1976.

I dissent:

William L. Harrison, Commissioner

William L. Harrison Jr. President  
Leonard R. Koz  
Robert Bateman Commissioners

Keep on Trucking Company, Inc., 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 iron or steel articles as described on pages 276, 277 and 278 of Volume 61, Motor Carrier Cases, a decision of the Interstate Commerce Commission of the United States (61 MCC 209) as follows:

1. Between all points and places in the Los Angeles Basin Territory as described in Note A hereof.
2. Between all points and places in the Los Angeles Basin Territory, as described in Note A hereof, on the one hand, and, on the other hand, all points on and within five miles of points on Interstate Highway 5 between San Diego and San Ysidro, 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

## LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay

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Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

(END OF APPENDIX A)

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