

ORIGINAL

Decision No. 86377

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WARREN TRUCKING CO., INC., a
California corporation, for a
Certificate of Public Convenience
and Necessity to operate as a
Highway Common Carrier for the
transportation of property in
intrastate and interstate and
foreign commerce.

Application No. 56483
(Filed May 14, 1976)

O P I N I O N

Applicant operates in intrastate commerce pursuant to radial highway common carrier and highway contract carrier permits issued by this Commission and in interstate and foreign commerce pursuant to a certificate of public convenience and necessity and a contract carrier permit issued by the Interstate Commerce Commission. By this application, it seeks a certificate of public convenience and necessity to transport newsprint paper and printing paper used in the publication of newspapers and other printed matter, in flat stock and in rolls, in intrastate, interstate, and foreign commerce from Los Angeles, Long Beach, and San Diego, and points and places within five miles thereof, to points in Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, Imperial, San Diego, Tulare, Kern, Kings, and San Luis Obispo Counties. A copy of the application has been filed with the Interstate Commerce Commission pursuant to Section 206(a)(6) of the Interstate Commerce Act, and notice thereof appeared in the Federal Register on July 1, 1976.

The application states as follows: Applicant has been transporting newsprint and printing paper between points in California, both in intrastate and interstate commerce, for many years. The demand by the public for this service in intrastate commerce in the sought area has been continually increasing. As a result, the frequency and regularity of this operation may be reaching the point where a highway common carrier certificate is required. It is reasonable to anticipate that this trend will continue. Applicant has had numerous requests for service in interstate and foreign commerce in the sought area beyond the scope of the certificate it presently holds from the Interstate Commerce Commission. The proposed service would be on a daily on-call basis, Monday through Friday, with same day or overnight service depending on the time of pickup, distance, and volume of the shipment. Applicant has sufficient equipment and the financial ability to provide the proposed service, and it will add to its fleet should the demands of the shipping public require. As of December 31, 1975, it had assets of \$755,905, liabilities of \$53,495, and a stockholder's equity of \$702,410.

The application was served in accordance with the Commission's procedural rules, and it was listed on the Commission's Daily Calendar. There are no protests.

We are of the opinion that the application should be granted. However, it is to be noted that the authority granted herein does not authorize applicant to publish in its intrastate highway common carrier tariff any less than minimum rates it has been authorized to assess by Decision No. 85805 dated May 11, 1976 in Application No. 56313, as amended by Decision No. 86167 dated July 27, 1976, in connection with its current permitted highway operations.

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 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 should be granted as set forth in the ensuing order.

Warren Trucking Co., 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 Warren Trucking Co., Inc., 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 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.

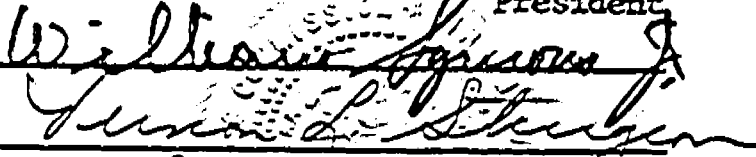
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 of each year, an annual report of its 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.

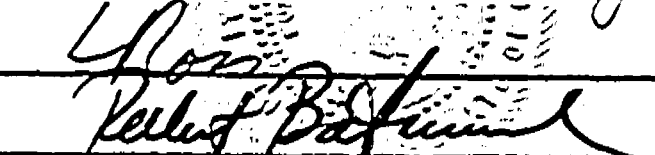
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 14th
day of SEPTEMBER, 1976.

~~I dissent because of the
effective date being
the date hereof~~



President




Commissioners

/dz *

Appendix A

WARREN TRUCKING CO., INC.
(a California corporation)

Original Page 1

Warren Trucking Co., 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 newsprint paper and printing paper used in the publication of newspapers and other printed matter, in flat stock and in rolls as follows:

FROM: Los Angeles, Long Beach and San Diego and points and places within five (5) statute miles thereof.

TO: Points in Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, Imperial, San Diego, Tulare, Kern, Kings, and San Luis Obispo Counties.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 86377, Application 56483.