

Decision 84 03 063

MAR 21 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of James L. Rossi, an individual, doing business as Rossi Transport Service, to transfer a Certificate of Public Convenience and Necessity authorizing the transportation of general commodities, with certain exceptions, between certain points within the State of California, and James L. Rossi, Inc., a California corporation, doing business as Rossi Transport Service, to acquire said Certificate pursuant to Sections 851 and 1064.1 of the Public Utilities Code.

Application 83-10-39
(Filed October 21, 1983;
amended December 5, 1983)

O P I N I O N

James L. Rossi, an individual doing business as Rossi Transport Service, holds a certificate of public convenience and necessity to operate as a highway common carrier of certain specific commodities between various points within California. The certificate was granted by Decision (D.) 91571, dated April 15, 1980 in Application (A.) 58323 under the provisions of Public Utilities (PU) Code § 1063.

Authority is requested to transfer the above certificate to James L. Rossi, Inc., a California corporation. James L. Rossi holds all of the stock authorized to be issued by the corporation. A balance sheet dated July 1, 1983 attached to the application indicates total corporate assets of \$141,872 and a net worth of \$4,328.

Rossi participates in several tariffs published by Western Motor Tariff Bureau. The corporation intends to adopt and participate in these tariffs.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar of October 26, 1983. No objection to the request has been received.

Findings of Fact

1. James L. Rossi holds a certificate of public convenience and necessity to operate as a highway common carrier, as defined in PU Code § 213.

2. James L. Rossi has caused a corporation, James L. Rossi, Inc. to be formed, and desires to transfer his certificate to the corporation.

3. A public hearing is not necessary.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. James L. Rossi may sell and transfer the operative rights specified in the application to James L. Rossi, Inc. This authority shall expire if not exercised by September 30, 1984, or within such additional time as the Commission may authorize.

2. Purchaser shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue seller's tariffs. The tariffs shall not be effective before the date of transfer, nor before 5 days' notice is given to the Commission.
- c. Comply with General Orders Series 80, 100, 123, and 147, and the California Highway Patrol safety rules.

- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Comply with General Order Series 102 and 130. If applicant elects to engage subhaulers, applicant shall have the required bond on file, and applicant shall engage only highway carriers who hold appropriate operating authority granted by this Commission.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to James L. Rossi, Inc, a California corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points and over the routes listed in Appendix A.

4. The certificate of public convenience and necessity granted by D.91571 is revoked on the effective date of the tariffs.

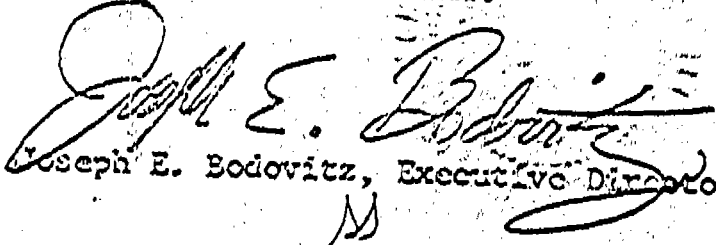
This order becomes effective 30 days from today.

Dated MAR 21 1984 , at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

James L. Rossi, Inc., by the certificate of public convenience and necessity granted by 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 specific commodities set forth in Paragraph I hereof:

- I. Carrier is authorized to transport the commodities named below subject to the following conditions:
 - A. All shipments shall be subject to a minimum weight of 20,000 pounds for transportation rate purposes.
 - B. No temperature control or refrigerated service shall be rendered.
 - C. The following specific commodities are authorized to be transported under this certificate:
 1. Agricultural implements.
 2. Buildings, SU, KD, of metal, wood, plastic, or metal, wood and plastic combined.
 3. Conduits or pipe, metal, bituminous fibre, or plastic.
 4. Conduits or roofing tile, earthenware.
 5. Lumber.
 6. Roofing.
 7. Machinery.
 8. Iron or Steel articles.
- II. Between all points and places in the San Francisco Territory as described in Note A hereof; and
- III. Between all points and places in the Los Angeles Basin Territory as described in Note B hereof; and

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- IV. Between all points and places in the San Francisco Territory, on the one hand, and, on the other hand, all points and places in the Los Angeles Basin Territory; and
- V. Between Arcata, Blythe, El Centro, Eureka, Paso Robles, Redding, all points and places in the San Francisco Territory and in the Los Angeles Basin Territory, on the one hand, and, on the other hand, all points and places located on or within twenty-five (25) statute miles laterally of the following routes:
- (a) U.S. Highway 101 between Los Angeles and Arcata, inclusive;
 - (b) Interstate Highway 10 between Blythe and Los Angeles, inclusive;
 - (c) State Highway 111 between Brawley and Indio, inclusive;
 - (d) State Highway 86 between El Centro and Coachella, inclusive;
 - (e) Interstate Highway 5 (including Temporary IH-5) between Los Angeles and Redding, inclusive;
 - (f) Interstate Highway 80 between Richmond and Sacramento, inclusive;
 - (g) State Highways 17 and 238, thence Interstate Highway 580 between Oakland and the junction of Interstate Highways 580 and 5, inclusive;
 - (h) Interstate Highway 205 between its junction with Interstate Highway 5 and its junction with Interstate Highway 580, inclusive;
 - (i) State Highway 99 to Red Bluff, thence Interstate Highway 5 between Wheeler Ridge and Redding, inclusive;
 - (j) State Highway 4 between its intersection with Interstate Highway 80 and Stockton, inclusive;

- (k) State Highway 46 between Paso Robles and its intersection with State Highway 99 (near Famoso), inclusive;
- (l) State Highway 198 between its intersection with U.S. Highway 101 (near San Lucas) and its intersection with State Highway 99 (near Goshen), inclusive;
- (m) State Highway 152 between Gilroy and Chowchilla, inclusive;
- (n) State Highway 299 between Arcata and Redding, inclusive.

VI. Carrier may provide service between any two points named herein whether named in one or more than one of the above-numbered paragraphs.

In performing the service herein authorized, the carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service.

NOTE A

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County line meets the Pacific Ocean; easterly along that county line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos city limits;

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easterly along the city limits and their prolongation to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and its prolongation to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along the boundary line to the campus boundary of the University of California; westerly, northerly, and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along the waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to the point of beginning.

NOTE B

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; northeasterly along the 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 the corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest

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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 Interstate Highway 15 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; westerly to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along the corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along the 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 Interstate Highway 15; southerly along Interstate Highway 15 to the Riverside County-San Diego County boundary line; westerly along the boundary line to the Orange County-San Diego County boundary line; southerly along the 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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