

Decision 84 03 066 MAR 21 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MICHAEL J. CANGELOSI, an individual, doing business as MICHAEL J. CANGELOSI TRUCKING, for a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities, with certain exceptions, between points in California.

Application 83-12-59
(Filed December 29, 1983)

O P I N I O N

By this application, Michael J. Cangelosi, an individual doing business as Michael J. Cangelosi Trucking, requests a certificate of public convenience and necessity to transport general commodities, with the usual exceptions, between all points and places in California. No interstate or foreign commerce authority is sought by Cangelosi in this application.

Cangelosi holds a highway contract carrier permit issued in File T-130,116. He also holds authority from the Interstate Commerce Commission to operate as a common carrier between points in California, Arizona, and Clark County, Nevada. His principal place of business is located at Anaheim. He has two 3-axle tractors and two 40-foot trailers. As of October 31, 1983, he had assets of \$62,060, liabilities of \$16,968, and capital of \$45,092. For the first ten months of 1983, his business had a total income of \$162,195 and a profit of \$38,531 before income taxes.

The application states as follows:

1. Cangelosi has operated as a highway contract carrier since February 6, 1980 and is familiar with the intrastate transportation needs and requirements of shippers and consignees within California.

2. Cangelosi has received, and continues to receive, numerous requests from shippers for transportation of the commodities requested between all areas of California. Because of the frequency and regularity of the service required to satisfy these requests, a highway common carrier certificate is required.
3. The proposed service would be daily, Monday through Friday, and Saturday upon request. Shipments picked up on one day would be delivered the same day or the next morning, depending on time of pickup and distance involved.
4. If the authority is granted, Cangelosi will establish rates based on the Commission's transition tariffs or those of a tariff bureau.
5. In addition to his own equipment, Cangelosi intends to lease such additional equipment or utilize subhaulers as may be necessary to satisfy the needs of his shippers.
6. Cangelosi has the financial ability to provide the proposed service.
7. The proposed service would not have an adverse effect upon the human environment or energy efficiency.
8. Public convenience and necessity require the proposed service.

The names and addresses of four of the shippers who purportedly would use the proposed service are listed in Exhibit 4 to the application. According to the exhibit, they have shipments between many points throughout California. The application certifies that a copy of the application has been served on each of them.

The application was listed on the Commission's Daily Transportation Calendar of January 5, 1983. A copy was served on the California Trucking Association. There has been no protest to the sought certificate. It should be granted.

Findings of Fact

1. Cangelosi has the experience and ability to provide the proposed certificated service.
2. Cangelosi does not seek any interstate and foreign commerce authority in connection with the proposed service.
3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
5. Public convenience and necessity require the proposed operation.
6. A public hearing is not necessary.

Conclusion of Law

The application should be granted as set forth in the following order.

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. A certificate of public convenience and necessity is granted to Michael J. Cangelosi, an individual, authorizing him to operate as a highway common carrier, as defined in PU Code § 213, between the points listed in Appendix A.
2. Applicant shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs within 120 days after this order is effective.

- c. State in his tariffs when service will start; allow at least 10 days' notice to the Commission; and make tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 80, 100, 123, and 147, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, he shall file the tariff provisions required by that General Order.

- g- 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.

This order becomes effective 30 days from today.

Dated MAR 21 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

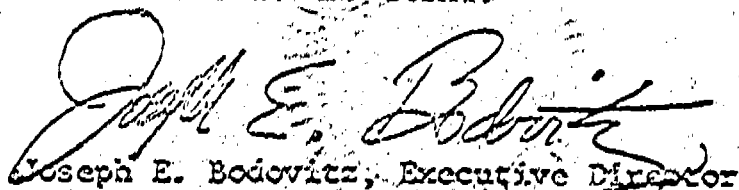
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovitz, Executive Director

Michael J. Cangelosi, 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 Public Utilities Code Section 213 for the transportation of general commodities as follows:

Between all points and places in the State of California.

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institution furniture and fixtures.
2. Automobiles, trucks, and buses, new and used.
3. Ordinary livestock.
4. Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk in any tank truck or tank trailer.
5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Articles of extraordinary value.

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9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. Any commodity, the transportation or handling of which, because of width, length, height, weight, shape, or size, requires special authority from a governmental agency regulating the use of highways, roads, or streets.
14. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.

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

(END OF APPENDIX A)

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