

Decision 84 04 019

APR 4 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
T. C. TRANSPORTATION, INC., a
California corporation, for a
Certificate of Public Convenience
and Necessity to Operate as a Highway
Common Carrier, pursuant to
Section 1063 of the Public
Utilities Code.

Application 83-12-55
(Filed December 28, 1983)

O P I N I O N

T. C. Transportation, Inc., a California corporation, (applicant) requests a certificate of public convenience and necessity, under the provisions of Public Utilities (PU) Code § 1063, to operate as a highway common carrier, as defined in PU Code § 213.

Applicant's sole shareholder, Thomas C. Cala, is also sole shareholder in Cala Transportation, Inc., a highway common carrier holding a certificate of public convenience and necessity issued under the provisions of PU Code § 1063.5.

Applicant's present operations involve the transportation of air freight in interstate and foreign commerce exempt from economic regulation by the Interstate Commerce Commission (ICC), and the transportation of general commodities, other than air freight, in interstate or foreign commerce under ICC Docket MC-146839. Its terminal is located at 206 Utah Street in South San Francisco.

Applicant requests authority to transport general commodities, with the usual exceptions, between all points and places within California. Notice of filing of the application appeared in the Commission's Daily Transportation Calendar of January 4, 1984. No protest to the application has been received.

Applicant proposes to establish rates and rules consistent with those named in Transition Tariffs 1, 2, and 19. However, it may also consider the possibility of participating in bureau tariffs.

A balance sheet attached to the application indicates, as of September 30, 1983, a net worth of approximately \$175,000. An income statement for the nine-month period ended September 30, 1983 shows revenues of \$300,953 and operating expenses of \$319,000.

Three shippers have furnished letters supporting the application. One shipper intends to use applicant's services in connection with truckload and less-than-truckload shipments of electrical equipment, radios, and television sets between the Bay Area and the Los Angeles Area. A second shipper would tender shipments of clothing between San Diego and the Bay Area, Sacramento, and intermediate points. The third shipper intends to ship about 250,000 pounds of toys annually between San Diego, San Francisco, and the Los Angeles Area.

Applicant presently uses seven tractors and eight 40-45-foot trailers, plus three van trucks in its interstate and exempt operations. It does not presently nor does it intend to use the services of subhaulers.

Overnight expedited service will be provided Monday through Friday, primarily transporting shipments in intrastate substituted air service between air freight consolidator facilities located near major California airports. These consolidators sometimes determine that freight can be moved more efficiently by truck than by airplane.

Applicant alleges, in support of its request, that it presently does business with numerous air freight consolidators on a nightly basis; that it will be able to obtain better load factors for vehicles already transporting exempt and ICC-regulated traffic from

these consolidators; and that congestion at customers' facilities will be reduced because the multiplicity of carriers presently required by these consolidators will be reduced.

Findings of Fact

1. Applicant possesses the satisfactory fitness and financial responsibility to conduct the proposed transportation services.

2. Public convenience and necessity require the service proposed by applicant.

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. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

5. A public hearing is not necessary.

Conclusion of Law

The application should be granted.

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 T. C. Transportation, Inc., a California corporation, authorizing it 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 its 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, it 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 shall engage only highway carriers who hold appropriate operating authority granted by this Commission.

This order becomes effective 30 days from today.

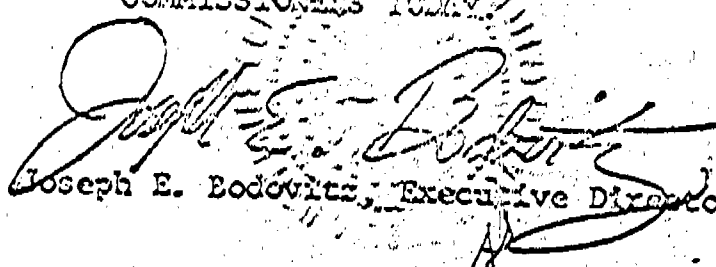
Dated APR 4 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

Commissioner William T. Bagley
being necessarily absent, did
not participate.

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


Joseph E. Bodovitz, Executive Director

T. C. Transportation, 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 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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Decision 84 04 019, Application 83-12-55.

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)

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Decision 84 04 019, Application 83-12-55.