

Decision 84 05 031

MAY 2 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
FREY TRUCKING, INC., a corporation,
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 84-01-04
(Filed January 3, 1984)

O P I N I O N

Frey Trucking, Inc. (applicant) is a California corporation. A copy of its articles of incorporation is included in Transportation File No. T-142,180.

Applicant has applied for a certificate of public convenience and necessity as a highway common carrier to authorize the transportation of general commodities, with certain exceptions, between all points and places in the State of California.

All of applicant's outstanding stock is held in equal shares by Carl J. Frey and Susan P. Frey, husband and wife. It has operated as a highway contract carrier (T-142,180) since September 29, 1983, transporting general commodities throughout California. Applicant is the successor to Carl Frey, doing business as Carl Frey Trucking Company, who operated as a highway contract carrier from 1979 to 1983. Applicant's operating equipment includes 12 trucks of varying size and 3 trailers (two 45-foot dry vans and one 35-foot flatbed).

Applicant's financial statement dated November 30, 1983 shows assets of \$360,000 and liabilities of \$166,000. Gross profit for the first 11 months of 1983 was \$145,000.

Applicant has provided a list of four shippers who have indicated that they will use applicant's proposed service. All of these shippers were mailed a certified copy of this application.

1. Nutone, Division of Scoville Industries
Fullerton, California
Point of Origin - Fullerton
Points of Destination - San Diego, Los Angeles, Anaheim, Santa Barbara, Ventura, Bakersfield, San Francisco-Oakland Bay Area, and other points throughout the State of California
2. Arnold Engineering Co.
Fullerton, California
Point of Origin - Fullerton
Points of Destination - San Diego, Los Angeles, Anaheim, San Francisco Bay Area, Oakland, and points throughout the State of California
3. James B. Lansing Sound, Inc.
Northridge, California
Points of Origin - Northridge, Los Angeles, Anaheim, and Santa Barbara
Points of Destination - San Diego, San Francisco-Oakland Bay Area, San Jose, Sacramento, and points in Los Angeles, Orange, Ventura, Santa Barbara, and Kern Counties
4. EZ Street Sportswear
Chatsworth, California
Points of Origin - Chatsworth and Los Angeles
Points of Destination - Los Angeles, Orange, and San Diego Counties

Applicant will provide service on Monday through Friday, and on Saturdays, if requested. No service will be provided on Sundays or holidays. Service will be same day, or overnight, depending on the distance from origin to destination. The rates to be charged will conform with rates and charges in the transition tariffs of the Commission or with those of an established tariff bureau. Applicant alleges that it receives numerous requests for service from shippers who move general commodities between all points and places in the State of California.

The filing of the application was noted in the Commission's Daily Transportation Calendar on January 9, 1984, and a copy of the

application was mailed to the California Trucking Association. No protests or requests for hearing have been received.

Findings of Fact

1. Applicant has the equipment, financial resources, and ability to provide the proposed service.
2. Public convenience and necessity require the proposed operation.
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. No protest was received and a public hearing is not necessary.
5. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

The application should be granted as set forth in the ensuing 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 Frey Trucking, 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 applicant shall engage only highway carriers who hold appropriate operating authority granted by this Commission.
3. The application is granted as set forth above. ✓
This order becomes effective 30 days from today.
Dated May 2, 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.

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Joseph E. Bodovitz, Executive Director

Frey Trucking, 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.

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Appendix A

FREY TRUCKING, INC.
(a California corporation)

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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.
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.

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