

ALJ/md

Decision 84 05 032

MAY 2 1984

UPL 5111115

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 Cal Cargo & Warehouse, a California  
 partnership, for a certificate of  
 public convenience and necessity  
 pursuant to Section 1063, et seq., of  
 the Public Utilities Code, to operate  
 as a highway common carrier for the  
 transportation of property in  
 intrastate commerce.

Application 83-10-27  
 (Filed October 18, 1983)

O P I N I O N

Ross Charles Smiley and Ronald Eugene Gaggero, a partnership, doing business as Cal Cargo & Warehouse (applicants) seek a certificate of public convenience and necessity to operate as a highway common carrier of general commodities, with usual exceptions, in the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, Stanislaus, and Yolo. Applicants hold a highway contract carrier permit under File T-133,250.

The application contains sufficient documentation of shipper support to meet the standard of Resolution 18191.

Notice of this application appeared in our Daily Transportation Calendar on October 21, 1983. Notice of additions to the proposed service territory was published in the Calendar of March 27, 1984. No protests have been received.

Findings of Fact

1. Applicants possess satisfactory fitness and financial responsibility to conduct the proposed transportation services.
2. Public convenience and necessity require the service proposed by applicants.

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 Ross Charles Smiley and Ronald Eugene Gaggero, a partnership doing business as Cal Cargo & Warehouse, authorizing them to operate as a highway common carrier, as defined in PU Code § 213, between the points listed in Appendix A.

2. Applicants shall:

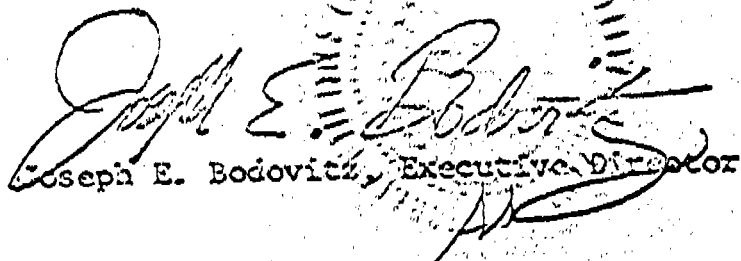
- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs within 120 days after this order is effective.
- c. State in their tariffs when service will start; allow at least 10 days' notice to the Commission; 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 applicants elect not to transport collect-on-delivery shipments, they shall file the tariff provisions required by that General Order.
  - g. Comply with General Order Series 102 and 130. If applicants elect to engage subhaulers, applicants shall have the required bond on file, and applicants 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.

  
Joseph E. Bodovitz, Executive Director

Appendix A

ROSS CHARLES SMILEY AND RONALD EUGENE GAGGERO  
(a partnership)  
doing business as Cal Cargo & Warehouse

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Ross Charles Smiley and Ronald Eugene Gaggero, by the certificate of public convenience and necessity granted in the decision noted in the margin, are 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:

Within and between the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, Stanislaus and Yolo.

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.

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Appendix A

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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. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
9. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
10. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
11. 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.
12. 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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- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicants elect not to transport collect-on-delivery shipments, they shall file the tariff provisions required by that General Order.
- g. Comply with General Order Series 102 and 130. If applicants elect to engage subhaulers, applicants shall have the required bond on file, and applicantsshall engage only highway carriers who hold appropriate operating authority granted by this Commission.

This order becomes effective 30 days from today.

Dated MAY 2 1984, at San Francisco, California.

3. *The application is granted as set forth above.*

LEONARD M. GRIMES, JR.  
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