

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Robert D. Shepherd, Inc., for a certificate of public convenience and necessity to operate as a highway common carrier under Public Utilities Code Section 1063.

ORIGINAL

Application 84-04-038  
(Filed April 6, 1984)

O P I N I O N

Robert D. Shepherd, Inc., a California corporation, seeks a certificate of public convenience and necessity to operate as a highway common carrier of general commodities, with the usual exceptions, between all points in the State of California with three exceptions: (1) shipments whose origin and destination are both located within the territory comprised of the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont; (2) shipments whose origin and destination are both located within San Diego County; and (3) shipments whose origin and destination are both located within the City and County of San Francisco.

Applicant is a partner in a partnership doing business as West Coast Transportation which holds highway contract carrier and heavy specialized carrier permits under File T-139,502. The application states that it is the intention of Robert D. Shepherd, Inc., upon approval of this application, to purchase the assets of this partnership, including the permits, and, upon approval of the Commission, to continue operations of West Coast Transportation.

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

Notice of this application appeared in our Daily Transportation Calendar on April 12, 1984. No protests have been received.

Findings of Fact

1. Applicant possesses 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 Robert D. Shepherd, 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           AUG 1 1984          , at San Francisco, California.

Commissioner Priscilla C. Grew,  
being necessarily absent, did  
not participate

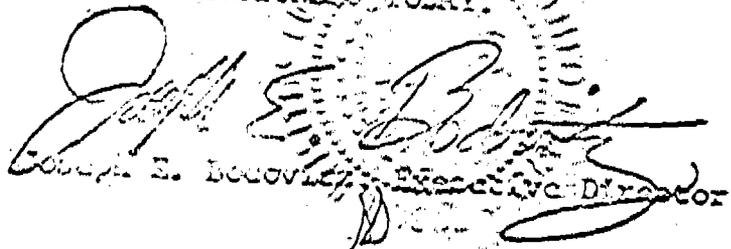
LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
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.

  
Robert E. Rogovick, Executive Director

Robert D. Shepherd, 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:

- a. Shipments whose origin and destination are both located within the territory comprised of the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont.
- b. Shipments whose origin and destination are both located within San Diego County.
- c. Shipments whose origin and destination are both located within the City and County of San Francisco.

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.

Issued by California Public Utilities Commission.

Decision 84 08 047, Application 84-04-038.

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.
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.

Issued by California Public Utilities Commission.

Decision 84 OS 047, Application 84-04-038.

14. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.
15. Commodities and geographic areas exempt from rate regulation as described in Commission publication "Commodities and Geographic Areas Exempt from Rate Regulation" or successive revisions thereof.

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)

Issued by California Public Utilities Commission.

Decision S4 08 047, Application 84-04-038.