

Decision 84 11 088

NOV 21 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of VAN-PAK WEST, INC.,)
 for a certificate of public conve-)
 nience and necessity, to operate as)
 a highway common carrier, over)
 irregular routes, between points in)
 Los Angeles, Orange, San Francisco,)
 Sacramento, San Mateo, Marin, Contra)
 Costa, Alameda, Santa Clara, Butte,)
 Fresno, Solano, Sonoma, Yolo, and)
 Napa Counties, on the one hand, and,)
 on the other, points in California)
 under authority of Sec. 1063 et seq.,)
 of the Public Utilities Code of the)
 State of California.)

Application 83-02-17
(Filed February 9, 1983)

O P I N I O N

Van-Pak West, Inc. (applicant), a Delaware corporation qualified to conduct business in California, filed this application for authority to operate as a highway common carrier of general commodities excluding household goods, bulk commodities, explosives, and other commodities requiring specialized equipment. Applicant presently holds no operating authority from this Commission.

Applicant plans to operate between points in the counties of Los Angeles, Orange, San Francisco, Sacramento, San Mateo, Marin, Contra Costa, Alameda, Santa Clara, Butte, Fresno, Solano, Sonoma, Yolo, Napa, on the one hand, and all points in California, on the other hand.

On May 11, 1984 applicant provided support statements from two shippers.

As of the time of the application, applicant had over 40 trucks operating in interstate commerce; it had two California terminals, in Simi and Sacramento; it planned to open a third in Los Angeles and a transfer terminal in San Francisco. It had assets of

over \$200,000 with over \$14,000 of cash. Its largest liability other than accounts receivable was notes payable to stockholders of \$39,000.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar of February 14, 1983. No protests were 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 Van-Pak West, Inc., a Delaware 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 NOV 21 1984, at San Francisco, California.

PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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

Commissioner Victor Calvo,
being necessarily absent, did
not participate


Joseph E. Bočovič, Executive Director

Van-Pak West, 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 points in the Counties of Alameda, Butte, Contra Costa, Fresno, Los Angeles, Marin, Napa, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Solano, Sonoma and Yolo, on the one hand, and all points in California, on the other hand.

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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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.

(END OF APPENDIX A)

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