

Mailed

Decision SS 09 066

SEP 29 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Disposal Control)	
Service, Inc. to be exempted from)	
the annual report requirement)	Application 88-04-039
established by General Order 123-G,)	(Filed April 13, 1988)
pending revisions to that General)	
Order.)	
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OPINION

Summary of Decision

This decision exempts Disposal Control Service, Inc. (DCS) from filing the Annual Financial Report required by General Order (GO) 123-G. This decision also excuses DCS from filing the 1986 and 1987 annual reports.

Background

GO 123-G requires each highway permit carrier and certificated carrier, except household goods carriers, and motor carriers engaged exclusively in the hauling of logs, which has annual gross operating revenue of \$500,000 or more to file an annual report of its operations with the Commission.

The Commission's Transportation Division (TransDiv) is currently reviewing the needs for financial data to be filed by trucking companies. Revisions to the reporting requirements for financial data have been postponed due to the Commission's en banc hearing on the trucking industry.

On April 13, 1988, DCS, a certificated highway contract carrier and a vacuum truck carrier filed Application (A.) 88-04-039 seeking exemption from filing the Annual Financial Report required by GO 123-G. DCS also requests that it be excused from filing the 1986 and 1987 annual reports. DCS has an administrative extension of deadline for filing the 1986 and 1987 reports until October 28, 1988.

DCS believes that the purpose of the annual report is to gather information for ratemaking activities. DCS contends that since it is not engaged in any activities that have rates regulated by the Commission and there are no proposals by either consumers or industry for rate regulation of hazardous waste haulers, there is no apparent need for DCS to provide the information required by the annual report.

DCS also contends that in D.70040, which established the form of the annual report, the Commission adopted the financial reporting requirements and specified system of financial accounting of the Interstate Commerce Commission (ICC). According to DCS, when the Commission adopted the ICC accounting system, Commission-regulated truckers were largely rate regulated and subject to ICC reporting requirements. DCS contends that today, many truckers required to file the annual report are neither regulated by the Commission for establishing rates nor regulated by the ICC. DCS points out that the Commission never established DCS's rates and that it was never subject to any ICC reporting requirements. Therefore, DCS maintains that it is not familiar with the accounting procedures of the Commission and the ICC and that the filing of the annual reports would impose substantial costs and hardship on DCS.

DCS points out that it is licensed as a hazardous waste hauler by the California Department of Health Services pursuant to the Hazardous Waste Haulers Act. This Act requires hazardous waste haulers to meet specified levels of financial responsibility, to meet equipment design and maintenance standards, and to undergo annual equipment inspections and driver training by the California Highway Patrol as conditions of their license to operate in California. DCS also points out that as a hazardous waste hauler, it is subject to extensive regulation by the federal Department of Transportation and the Environmental Protection Agency.

It is also a single commodity hauler like household goods carriers and log haulers. For all the above reasons, it should be exempt from filing the annual report.

Positions of CACD and TransDiv

After reviewing the application, the Commission Advisory and Compliance Division (CACD) recommends that the application be granted on an ex parte basis. CACD believes that carriers, including applicant, should be required to file annual reports as required by GO 123-G. Since applicant has provided justification for exemption from filing annual reports and because of the nature of the applicant's business, CACD believes that no purpose would be served by requiring DCS to file 1986 and 1987 annual reports. Therefore, CACD recommends excusing applicant from filing 1986 and 1987 reports.

CACD does not believe that the granting of this particular application should be viewed as a precedent for other carriers. CACD recommends that any future requests for exemption from filing annual reports be considered on a case-by-case basis.

TransDiv states that it does not necessarily agree with all the factors stated as justification for exemption. However, TransDiv also recommends approval of the application on an ex parte basis provided it is not considered a precedent for similar applications.

Discussion

Since both CACD and TransDiv recommend granting the applicant's request and no other party has filed a protest, we will exempt DCS from filing annual reports required by GO 123-G. We will also excuse DCS from filing 1986 and 1987 annual reports. However, as recommended by CACD and TransDiv, we will not consider the granting of this application as a precedent for other carriers seeking similar exemption. We will consider any future requests for exemption from filing annual reports on a case-by-case basis.

Findings of Fact

1. DCS has filed A.88-04-039 requesting exemption from filing the annual report required by GO 123-G.
2. DCS also requests to be excused from filing the 1986 and 1987 annual reports.
3. DCS has an administrative exemption from filing the 1986 and 1987 annual reports until October 28, 1988.
4. CACD and TransDiv recommend that the application be granted provided it is not considered as a precedent for future applications.

Conclusions of Law

1. DCS should be exempted from filing the annual financial report required by GO 123-G.
2. DCS is excused from filing its 1986 and 1987 annual reports.
3. Future applications seeking exemption from filing annual reports should be considered on a case-by-case basis.

ORDER

IT IS ORDERED that:

1. Disposal Control Service, Inc. (DCS) shall be exempt from filing the annual financial report required by General Order 123-G.
2. DCS is excused from filing the annual financial reports for the years 1986 and 1987.

3. This proceeding is complete. ✓
This order is effective today.
Dated September 28, 1988, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
G. MITCHELL WILK
JOHN B. OHEANIAN
Commissioners

Commissioner Frederick R. Duda,
being necessarily absent, did
not participate.

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

Victor Weisser
Victor Weisser, Executive Director

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3. This proceeding is completed.
This order is effective today.

Dated SEP 28 1988, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

Commissioner Frederick R. Duda,
being necessarily absent, did
not participate.