

Decision 89 11 010 NOV 3 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J.Cal Transportation, )  
Inc. to be exempted from the annual ) Application 89-06-011  
report requirement established by ) (Filed June 9, 1989)  
General Order 123-G. )  
\_\_\_\_\_)

OPINION

J.Cal Transportation, Inc. (J.Cal) requests an exemption from filing the annual financial report required by General Order (GO) 123-G. J.Cal also requests an extension of time to file its 1988 annual report pending the decision on this application.

The application states that:

- "1. J.Cal holds a permit to operate as a dump truck carrier issued by the Public Utilities Commission of the State of California, File No. T-153,960.
- "2. J.Cal is duly registered by the Department of Health Services, State of California to haul hazardous wastes in California, Hauler Registration No. 1209.
- "3. J.Cal is subject to regulation by the federal Department of Transportation and the Environmental Protection Agency. J.Cal has also been assigned EPA Identification Number CAD980814883 by the Procedures and Regulation Development Section, Hazardous Waste Management Branch, Department of Health Services, State of California - Health and Welfare Agency.
- "4. J.Cal is a single commodity carrier. Its dump truck operations are engaged exclusively in the business of hauling dirt contaminated with spilled petroleum products such as oil and gas. To carry out this activity, J.Cal utilizes six owned dump trucks and sub-contracts with other operators for any additional trucks that may be needed from time to time.

- "5. J.Cal's rates are not established by the Commission.
- "6. J.Cal has never been subject to federal Interstate Commerce Commission (ICC) reporting requirements.
- "7. J.Cal maintains its books of account, accounting records, and income tax returns on a July 31 fiscal year end basis."

The application further states that:

"The Commission, by its Decision 88-09-066 dated September 28, 1988, exempted Disposal Control Services, Inc. (DCS) from the filing the Annual Financial Report required by General Order (GO) 123-G.

"In its Opinion to said Decision, the Commission was apparently persuaded to exempt DCS on the following basis: (1) that there was no apparent need for DCS to provide the information required by the annual report because DCS was not engaged in any activities that have rates regulated by the Commission, (2) that the filing of the annual report would impose a substantial cost and hardship on DCS, (3) that, as a hazardous waste hauler, DCS was subject to extensive other regulation, and (4) that DCS was a single commodity hauler like household goods carriers and log haulers.

"J.Cal believes that this application for exemption from filing the annual report is predicated on the basis that its circumstances are substantially similar if not identical to the circumstances in the Commission's DCS decision; and therefore J.Cal should also be exempted."

Notice of the filing of the application appeared on the Commission's Daily Calendar of June 15, 1989. No protests to the granting of the application have been received.

Review of Decision (D.) 88-09-066 discloses that the operations of DCS and J.Cal are similar in that both are engaged solely in the transportation of hazardous waste and are registered

with the California Department of Health Services in accordance with the Hazardous Waste Haulers Act. In D.88-09-066 it states that Commission Advisory and Compliance Division (CACD) and Transportation Division (TD) recommended that the DCS application be granted on ex-parte basis provided it is not considered a precedent for similar applications. CACD further recommended that any future requests for exemption be considered on a case-by-case basis. After review of J.Cal's application, CACD recommends that J.Cal be exempted from filing its annual report provided that it files a copy of its fiscal year-end financial statements with the Commission. The financial statements will provide adequate data for future financial analysis and monitoring and will not impose additional burden on the applicant.

Findings of Fact

1. J.Cal requests an exemption from filing the annual report required by GO 123-G.
2. By D.88-09-066 we granted a similar exemption to DCS.
3. J.Cal and DCS transport hazardous materials, and their operations are similar.
4. No protests to the application have been received.
5. CACD recommends J.Cal file copies of its annual financial statements in lieu of annual reports. CACD's recommendation is reasonable.
6. A public hearing is not necessary.

Conclusions of Law

1. J.Cal should be exempted from filing the annual report required by GO 123-G.
2. J.Cal is excused from filing its 1988 annual report.
3. J.Cal shall file copies of its annual financial statements with the Commission in lieu of its annual reports for 1988 and future years.
4. Future applications seeking exemption from filing annual reports should be considered on a case-by-case basis.

ORDER

IT IS ORDERED that:

1. J.Cal Transportation, Inc. (J.Cal) shall be exempt from filing the annual report required by General Order 123-G.

2. J.Cal shall file copies of its annual financial statements with the Commission in lieu of its annual reports for 1988 and future years.

This order is effective today.

Dated NOV 3 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

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

*Wesley Franklin*

WESLEY FRANKLIN, Acting Executive Director  
pe