

Decision 91 01 006 JAN 15 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Erickson Trucking,)
Inc. (T116387 to be exempted from)
the annual report requirement)
established by General Order 123-G.)

ORIGINAL

Application 90-06-044
(Filed June 20, 1990)

O P I N I O N

Summary of Decision

This decision exempts Erickson Trucking, Inc. (ETI) from filing the Annual Financial Report required by General Order (GO) 123-G. This decision also requires ETI to file a copy of its year-end financial statement with the Commission in lieu of its annual report for 1989 and future years.

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.

On June 20, 1990, ETI filed Application (A.) 90-06-044 requesting exemption from filing the Annual Financial Report required by GO 123-G. ETI requests that the exemption apply to its 1989 annual report.

ETI is a full service hazardous waste handling and transportation company engaged exclusively in the hauling of hazardous wastes. It was incorporated in 1976. ETI is licensed as a hazardous waste hauler by the California Department of Health Services pursuant to the Hazardous Waste Haulers Act. Cal. Health and Safety Code § 25167.1 et seq. (enacted in 1979). ETI is also certified by the Commission as a Highway Contract Carrier and as a vacuum truck carrier.

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

ETI also contends that in Decision (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 ETI, when the Commission adopted the ICC accounting system, Commission-regulated truckers were largely rate regulated and subject to ICC reporting requirements. ETI believes that today, many truckers required to file the annual report are neither regulated by the Commission for establishing rates nor regulated by the ICC. ETI asserts that the Commission never established ETI's rates and that it was never subject to any ICC reporting requirements. Therefore, ETI 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 ETI.

ETI 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. ETI asserts that as a hazardous waste hauler, it is subject to extensive regulation by the federal Department of Transportation and the Environmental Protection Agency.

Further, ETI asserts that it is also a single commodity hauler like log haulers, which are exempt from filing the annual report. Accordingly, ETI requests that it should be exempt from filing the annual report.

Positions of CACD

After reviewing the application, the Commission Advisory and Compliance Division (CACD) recommends that the application be granted on an ex parte basis.

While CACD believes that ETI should be exempted from filing its annual report, CACD maintains that ETI should be required to file a copy of its year-end financial statement with the Commission. According to CACD, the financial statement will provide adequate data for future financial analysis and monitoring of ETI's operation. CACD opines that such filing will not impose additional burden on ETI.

As to ETI's request for exemption from filing its 1989 annual report, CACD believes that no purpose would be served by requiring ETI to file the 1989 annual report. However, CACD, in line with its earlier recommendation, requests that ETI be ordered to file its 1989 year-end financial statement with the Commission.

Discussion

Since CACD recommends granting the applicant's request and no other party has filed a protest, we will exempt ETI from filing annual reports required by GO 123-G. We will also excuse ETI from filing its 1989 annual report.

While we exempt ETI from filing an annual report, we believe that CACD's request to require ETI to file with the Commission copies of its year-end financial statements is reasonable. We also believe that such requirement will not impose undue burden on ETI. We will require ETI to file copies of its year-end financial reports with the Commission.

Findings of Fact

1. ETI has filed A.90-06-044 requesting exemption from filing the annual report required by GO 123-G.
2. ETI also requests to be excused from filing its 1989 annual report.
3. CACD recommends that ETI, in lieu of filing its annual report, be required to file a copy of its year-end financial statements.
4. Requiring ETI to file a copy of its year-end financial statement with the Commission will not impose undue burden on ETI.
5. Since no protest to the application have been received, a public hearing is not necessary.

Conclusions of Law

1. ETI should be exempted from filing the annual financial report required by GO 123-G.
2. ETI should be excused from filing its 1989 annual reports.
3. ETI should file copies of its year-end financial statements with the Commission, in lieu of its annuals report for 1989 and future years.

ORDER

IT IS ORDERED that:

1. Erickson Trucking, Inc. (ETI) shall be exempt from filing the annual financial report required by General Order 123-G.

2. ETI shall file copies of its year-end financial statements with the Commission in lieu of its annual reports for 1989 and future years.

3. This proceeding is closed.

This order becomes effective 30 days from today.

Dated JAN 15 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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


NEAL J. BOULWARE, Executive Director