

JUN 17 1992

Decision 92-06-044 June 17, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Poly-Trucking, Inc. for self- )  
insurance for Public Liability )  
and Property Damage. )

**ORIGINAL**  
Application 92-01-066  
(Filed January 27, 1992)

INTERIM OPINION

Poly-Trucking, Inc. (Poly-Trucking), a Texas corporation, requests authority pursuant to General Order (GO) 100-L to self-insure its bodily injury and property damage (BI&PD) in lieu of filing a certificate of insurance or surety bond for its California operations.

In support of the application, applicant attaches the order of the Interstate Commerce Commission (ICC) in Docket No. MC-180584, decided November 9, 1990, which approves self-insurance by Poly-Trucking for its interstate operations in lieu of a bond or certificate of insurance of \$1,000,000 per occurrence and \$5,000 per vehicle.

GO 100-L insurance requirements do not exceed those of the ICC and applicant's financial data, as updated in its California application, shows improved ability to self-insure.

Transportation Division recommends ex parte approval of the application in the absence of protests.

Findings of Fact

1. Poly-Trucking, a private carrier, is required by GO 100-L to provide accident liability protection by filing a certificate of insurance or surety bond or by approval of an application for qualification as a self-insurer.

2. The ICC has established and maintains regulations governing applications of interstate motor carriers to qualify as self-insurers.

3. The ICC has authorized Poly-Trucking to self-insure its BI&PD liability in connection with its interstate transportation in lieu of filing an insurance policy or a bond in the amount of \$1,000,000 per occurrence and \$5,000 per vehicle.

4. Subject to the conditions contained in the order, the self-insurance authority granted to Poly-Trucking by the ICC in Docket No. MC-180584, decided November 9, 1990, constitutes adequate protection against liability as required by GO 100-L.

5. No protests to the application have been received; a public hearing is not required.

6. As this order is noncontroversial, it should be effective on the date of signing.

Conclusions of Law

1. Poly-Trucking should be authorized to act as a self-insurer, subject to conditions.

2. The authority should be made interim pending disposition of I.85-12-033.

INTERIM ORDER

IT IS ORDERED that:

1. Poly-Trucking (Poly-Trucking) is authorized to act as a self-insurer for the purpose of providing the liability protection required by General Order 100-L for its operations as a private carrier, subject to the conditions set forth in Appendix A.

2. Transportation Division is authorized and directed to immediately suspend the California operating authority held by Poly-Trucking if any one or more of the following occurs and if a certificate of insurance is not on file with the Commission.

- a. The self-insurance authority granted to Poly-Trucking by the ICC is revoked, reduced, or suspended by the ICC or in any other way rendered inactive.

- b. The United States Department of Transportation assigns a less than "satisfactory" safety rating to Poly-Trucking.
  - c. Poly-Trucking fails to timely furnish and/or the License Section does not timely receive written quarterly declarations that the ICC self-insurance authority remains in effect as required by Paragraph 2 of Appendix A.
3. The application is granted, subject to conditions outlined in Appendix A to the order.

This order is effective today.

Dated June 17, 1992, at San Francisco, California.

DANIEL Wm. FESSLER  
President  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
NORMAN D. SHUMWAY  
Commissioners

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

*Tom*  
*Neal J. Shulman*  
NEAL J. SHULMAN, Executive Director

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The authority of Poly-Trucking, Inc. (Poly-Trucking) to self-insure operations within California is subject to the following conditions:

1. The authority granted in this decision is effective only so long as the self-insurance authority contained in the Interstate Commerce Commission's (ICC) order in Poly Trucking, Inc. served November 21, 1990 in Docket No. MC-180584, is, and remains, in effect.
2. Poly-Trucking shall furnish the License Section of this Commission's Transportation Division, each calendar quarter, with a written declaration under penalty of perjury and signed by an authorized officer of Poly-Trucking that the authority granted by the ICC allowing Poly-Trucking to be self-insured remains in effect. Quarterly declarations shall be submitted no later than the 15th day of each April, July, October, and January during the period this authority is in effect.
3. Poly-Trucking shall notify this Commission in writing, by letter to the License Section of this Commission's Transportation Division, within 5 days of any revocation, reduction or suspension of the self-insurance authority granted by the ICC; or within 5 days of assignment of a less than "satisfactory" safety rating by the DOT. The letter shall refer to this application and decision number. Poly-Trucking shall also notify the Commission, in the same manner, of the initiation of any ICC proceeding which could result in an order modifying, suspending or revoking its self-insurance authority.
4. Poly-Trucking shall not transport commodities within California for which GO 100-L or any succeeding general order requires combined single limit liability protection in an amount greater than \$1 million.
5. Poly-Trucking shall operate within California only vehicles which are owned by

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it or its majority stockholders and which are driven by its employees.

6. Poly-Trucking shall timely and positively respond to any data request made by the Commission staff in furtherance of any analysis or investigation to determine Poly-Trucking's continuing qualification as a self-insurer. Such data shall include, but not be limited to, copies of statements, reports and/or notifications required to be filed with the ICC.
7. This authority is contingent upon continued maintenance by Poly-Trucking of a "satisfactory" safety rating from the DOT. In the event a less than "satisfactory" rating is assigned by the DOT, this authority will be suspended until Poly-Trucking notifies the Commission that it has regained a "satisfactory" rating.
8. The Commission retains the authority to modify or terminate Poly-Trucking's self-insurance authorization if, at any time, it appears to the Commission that Poly-Trucking fails to provide adequate accident liability protection to the public, or if greater liability protection is required in the future as a result of any revisions to General Order Series 100.

(END OF APPENDIX A)