

Decision 82 02 107 FEB 17 1982**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 GOULART TRUCKING, INC., a California  
 corporation, for a Certificate of  
 Public Convenience and Necessity  
 pursuant to Section 1063, et seq.,  
 of the Public Utilities Code, to  
 operate as a Highway Common Carrier  
 for the transportation of property  
 in intrastate commerce.

Application 60870  
 (Filed September 2, 1981)

O P I N I O N

Applicant Goulart Trucking, Inc. (Goulart) is a California corporation, and holds permits as a highway contract carrier and agricultural carrier (T-106 884). It is a San Diego-based carrier, operating two tractors and three semi-trailers of various types. It originally sought authority under Public Utilities (PU) Code §§ 1063 et seq. to operate as a highway common carrier over all routes and between all points in the State of California, carrying general commodities with the usual exceptions. By an informal amendment received November 2, 1981 applicant now proposes to operate only in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties. It does not plan to seek Interstate Commerce Commission registration. It proposes to provide the service on an on-call basis Monday through Friday with Saturdays and Sundays excluded. It will offer overnight service between all points in the area requested and will conduct Saturday service on request. If authorized to operate, Goulart will establish rates substantially in conformity with the rates and charges presently published in the tariffs of an established tariff bureau or in conformity with rates and charges approved by this Commission.

Goulart claims to have the financial ability to provide the service proposed. A balance sheet attached to the application shows stockholders' equity of \$4,559.87 and a total of liabilities and equity of \$79,365.99. Its income statement of October 1, 1980 to July 31, 1981 shows a net operating loss on transportation operations of slightly over \$3,500<sup>1/</sup> with gross revenues of approximately \$125,000.

To demonstrate public convenience and necessity, Goulart alleges that it has operated between all points proposed to be served and is familiar with the needs and requirements of the shippers in the area. It believes that its operations may be approaching those of a certificated highway common carrier. It has been informed by Commission personnel that its present authority will allow the transportation of commodities only for persons with whom Goulart has contracts. Most of its shippers have declined to sign a contract; therefore, were Goulart to comply with the staff's recommendation it would have to confine itself to transporting exempt commodities or subhauling.

The application was served on California Trucking Association and appeared in the Commission's Daily Calendar of September 10, 1981. No protests were received.

Findings of Fact

1. Goulart has the physical and financial resources to conduct the proposed operations.
2. Public convenience and necessity require the institution of the operations proposed by Goulart, as amended.
3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
4. A public hearing is not necessary.

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<sup>1/</sup> This figure excludes a damage claim of \$1,400.

Conclusion of Law

Goulart has demonstrated public convenience and necessity, and 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 Goulart Trucking, Inc., a 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, 104, 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.

This order becomes effective 30 days from today.

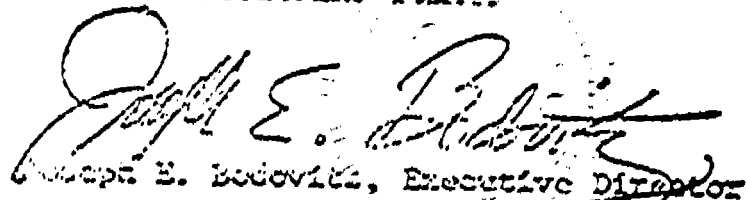
Dated FEB 17 1982, at San Francisco, California.

RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

Commissioner JOHN E. BRYSON

Present but not participating.

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

  
Joseph E. Bodovitz, Executive Director

Goulart Trucking 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 between all points in the counties of Los Angeles, Orange, Riverside, San Bernardino, and San Diego as follows:

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.

Issued by California Public Utilities Commission.

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Appendix A

GOULART TRUCKING, INC.  
(a California corporation)

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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. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
9. Articles of extraordinary value.
10. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
11. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. 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.
13. 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 streets, roads, highways, and bridges necessary or convenient for the performance of this service.

(END OF APPENDIX A)

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