

Decision 82 02 118 FEB 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
S & E TRUCKING, INC., a California)
corporation, for a certificate of)
public convenience and necessity to)
operate as a highway common carrier)
for the transportation of general)
commodities with certain exceptions,)
in intrastate commerce between points)
in California.)

Application 61015
(Filed October 29, 1981)

O P I N I O N

Applicant S & E Trucking, Inc., a California corporation, requests a certificate of public convenience and necessity to operate as a highway common carrier in the transportation of general commodities with the usual exceptions, but including commodities requiring temperature control, between all points in the Los Angeles Basin Territory and between all points on or within 25 statute miles of the following described routes:

1. Interstate Highway 5 between Redding and San Ysidro.
2. State Highway 99 between Red Bluff and Wheeler Ridge.
3. U. S. Highway 101 between Crescent City and Los Angeles.
4. Interstate Highway 10 between Los Angeles and Indio.
5. Interstate Highway 80 between San Francisco and Truckee.
6. Interstate Highway 580 between Oakland and its junction with Interstate Highway 5 near Westley.

Applicant also requests that the Commission relieve it from the service requirements of Rule 37(a) of the Rules of Practice and

Procedure. A copy of the application was served on the California Trucking Association and the application was noticed in the Commission's Daily Calendar of October 30, 1981. No protests to the application have been received.

Applicant has operated as a highway contract carrier since September 1978. It operates 4 tractors and 9 trailers. As of December 31, 1980 it had a net worth of \$59,000 and during the calendar year 1980 had an operating revenue of \$181,000 and a net profit before taxes of \$23,000.

Applicant proposes to provide service Monday through Friday, and Saturday upon request, Sundays and holidays excepted. It will offer same day or overnight service depending on the length of haul. It will offer, in part, the transportation of commodities requiring the use of special refrigeration or temperature controlled equipment. It will establish rates substantially the same as those published by established tariff bureaus.

Applicant states that it has received, and continues to receive, many requests from various shippers having movements of the commodities involved in the application to, from, and between the requested points and places within the State. It believes that in order to satisfy these requests its operation would constitute that of a common carrier and in order to continue to provide the service requested by its customers it seeks the requested certificate.

Applicant states that it would be very difficult if not impossible to ascertain the names and addresses of all carriers that its requested authority would be competitive with and that the time and expense involved in serving all potential competitors would be unduly oppressive to applicant.

Findings of Fact

1. Applicant is presently authorized to operate as a highway contract carrier.

2. Applicant requests a certificate to operate as a highway common carrier of general commodities with the usual exceptions (but including commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment) between the points and over the routes more particularly described at the beginning of this decision.

3. Applicant has a net worth on December 31, 1980 of \$59,000 and for the 12 months ending on that date had revenues of \$181,000 and a net profit before taxes of \$23,000.

4. Applicant operates 4 tractors and 9 trailers.

5. Applicant has received, and continues to receive, many requests from various shippers to serve them between the points involved in the application. In order to satisfy those requests its operation would constitute that of a common carrier.

6. Applicant is fit, willing, and able to provide the requested service.

7. Public convenience and necessity require the granting of the application.

8. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.

2. Rule 37(a) should be waived.

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 S & E Trucking, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points and over the routes 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, and 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 tariffs required by that General Order.

3. Rule 37(a) of the Commission's Rules of Practice and Procedure respecting the service of the application on prospective competitors is waived.

This order is effective 30 days from today.

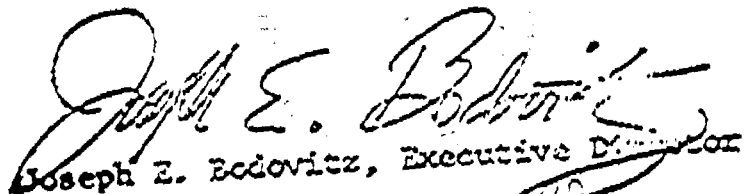
Dated FEB 17 1982, at San Francisco,
California.

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

S & E Trucking, 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 as follows:

- A. Between all points and places in Los Angeles Basin Territory as described in Note A.

- B. Between all points on or within 25 statute miles of the following described routes:
 - 1. Interstate Highway 5 between Redding and San Ysidro.
 - 2. State Highway 99 between Red Bluff and Wheeler Ridge.
 - 3. U.S. Highway 101 between Crescent City and Los Angeles.
 - 4. Interstate Highway 10 between Los Angeles and Indio.

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5. Interstate Highway 80 between San Francisco and Truckee.

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.
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. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.

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10. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
11. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
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.

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NOTE A

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; northeasterly along the county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along the corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and Interstate Highway 15 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; westerly to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along the corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along the right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to Interstate Highway 15; southerly along Interstate Highway 15 to the Riverside County-San Diego County boundary line; westerly along the boundary line to the Orange County-San Diego County boundary line; southerly along the boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

(END OF APPENDIX A)

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