

ORIGINAL

Decision 82 03 095 MAR 16 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SAMMONS TRUCKING, a Montana Corpora-)
tion, for a Certificate of Public)
Convenience and Necessity Authorizing)
the Transportation of General Commod-)
ities Between Points in the State)
of California.)

Application 61099
(Filed December 2, 1981)

O P I N I O N

Sammons Trucking (Sammons), a Montana corporation, seeks a certificate of public convenience and necessity authorizing the transportation of general commodities between points in the State of California under Public Utilities (PU) Code Sections 1061 et seq. Sammons possesses a Certificate of Qualification issued by the Secretary of State authorizing Sammons to transact intrastate business in the State of California.

Sammons' principal place of business is Highway 10 West, Missoula, Montana. Its principal office in the State of California is in Pittsburg.

Sammons states that it presently conducts substantial operations as a for-hire motor carrier for the transportation of many types of commodities in interstate commerce to and between points in a number of states including California. These operations are being conducted under certificates of public convenience and necessity issued to Sammons by the Interstate Commerce Commission (ICC) in its Docket No. MC-124692. Sammons presently holds no operating authority from the California Commission.

Exhibit C attached to the application is a proposed certificate of public convenience and necessity. Exhibit D attached to the application is a map describing the territory proposed to be served by Sammons. The territory described by this map includes the entire State of California.

Sammons states that it has received repeated demands and requests for the proposed intrastate service from those members of the shipping public which it presently serves in interstate commerce. Sammons states that the service which it proposes to provide in California is from an operational standpoint essentially the same type of service that it is providing for shippers in interstate commerce. If it receives the authority requested, Sammons states it will be in a position to provide a more responsive overall transportation service to its shippers. The shippers have repeatedly requested that Sammons file for the proposed service so that it will be in a position to handle both the interstate and intrastate shipments of those members of the public which Sammons presently serves.

Sammons states that it is an experienced and successful motor carrier having the necessary resources, operating equipment, and expertise to provide a truly efficient transportation service under the authority requested.

A balance sheet as of March 31, 1981 shows total assets for Sammons of \$4,141,905. As of the same date, total stockholders' equity (deficit) equals \$3,271,038. This negative stockholders equity results from the write-off, for tax purposes, of the value of all its operative authorities in the amount of \$5,949,135. This write-off was made under the authority of the Federal Motor Carriers Act of 1980. An equipment list attached to the application shows that Sammons has 379 tractors or trucks and 399 semi or full trailers.

Notice of the filing of this application appeared in the Commission's Daily Calendar of December 4, 1981. A copy of this application has been served upon the California Trucking Association. Notice of the filing of the application was served upon competing carriers. No protests to the application have been received.

Findings of Fact

1. A public hearing is not necessary.
2. Sammons has no intrastate operating authority.
3. Sammons conducts operations as a for-hire motor carrier for the transportation of many types of commodities in interstate commerce under authority of the ICC.
4. Sammons has the ability, experience, equipment, and financial resources to perform the proposed intrastate service.
5. Public convenience and necessity require the service proposed by Sammons in intrastate commerce.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
7. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

Public convenience and necessity require that applicant be authorized to engage in intrastate commerce within the scope of operations authorized by this decision.

Only the amount paid to the State for operative rights may be used in ratefixing. 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 Sammons Trucking, a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 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, 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 tariff provisions required by that General Order.

This order becomes effective 30 days from today.

Dated MAR 16 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director

Sammons 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:

Within and between all points and places in all counties of the State of California;

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.

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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. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. 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.
14. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.

T/SG/TCG/WPSC

Appendix A

SAMMONS TRUCKING
(A Montana corporation)

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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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