

ORIGINAL

Decision 82 04 103 APR 21 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of MELTON TRANSPORTATION, INC., )  
a California corporation, for a )  
certificate of public convenience )  
and necessity to operate as a )  
highway common carrier for the )  
transportation of property pur- )  
suant to Section 1063-1064 of the )  
California Public Utilities Code. )

Application 61074  
(Filed November 25, 1981)

O P I N I O N

Applicant is a California corporation operating out of Bakersfield, Charles Lloyd Melton is the sole owner of the corporation. Applicant presently transports general commodities throughout California in intrastate commerce, as a highway contract carrier under File T-132,582. Applicant also operates under a heavy-specialized carrier permit.

Applicant has applied for a certificate of public convenience and necessity under Public Utilities Code (PUC) § 1063 authorizing it to transport general commodities with the usual exceptions in intrastate commerce throughout the State of California, with exceptions noted as follows:

1. Shipments whose origin and destination are both located within the territory comprised of the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.
2. Shipments whose origin and destination are both located within the territory comprised of Metropolitan Zones 301 through 312, as described in Distance Table 8 issued by the Public Utilities Commission of the State of California.
3. Shipments whose origin and destination are both located within the City and County of San Francisco.
4. Commodities and geographic area exempt from rate regulation as described in Commission publication Commodities and Geographic Areas Exempt from Rate Regulation within the Permissive Scope of Highway Contract Carrier Operations.

The proposed transportation will be provided on call subject to shipper demand. The time in transit will be same day or overnight, depending upon distance and the time of day requests for transportation are received. Applicant is presently governed by the rates shown in Transition Tariff 2 and governing publications. If the requested authority is granted, applicant proposes to participate in various bureau tariffs publishing local rates between the points to be served in California. Applicant proposes to establish through routes and rates between any and all points sought to be served by this application. There will be no through routes or joint rates with any connecting carriers.

On July 1, 1981, applicant had assets of \$612,590, liabilities of \$125,659, and a net worth of more than \$400,000. The net profit for the year ending on June 30, 1981 was \$221,323. It owns 13 trucks or tractors and 19 trailers. Applicant is willing and able to add to this fleet whatever additional equipment may become necessary.

It is alleged that new shippers have requested service from applicant, especially those who require commodities used to drill or maintain oil wells. Operators may require service on short notice to most areas in this State. It is necessary for a carrier to have a broad operating authority to transport needed supplies or heavy equipment to scattered storage or work sites.

The application was published in the Commission's Daily Calendar on November 30, 1981. Copies of the application were mailed to the California Trucking Association in Burlingame, and to the Highway Carriers Association in South Gate, California. Applicant requests that it be allowed to deviate from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure which requires service of the application on all competing carriers. This is authorized under Rule 87, where necessary to provide just, prompt,

and inexpensive determination of the issues presented. Applicant alleges that thousands of certificates have been granted under Senate Bill 860 and service on all of these carriers would be expensive and impractical.

Findings of Fact

1. Applicant has the equipment, financial resources, and ability to provide the proposed service.
2. Public convenience and necessity require the proposed operation.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. No protest was received and a public hearing is not necessary.
5. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

1. The application should be granted as set forth in the ensuing order.
2. Applicant should be authorized to deviate from the provisions of Rule 37(a).

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 Melton Transportation, 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, 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 provision required by that General Order.

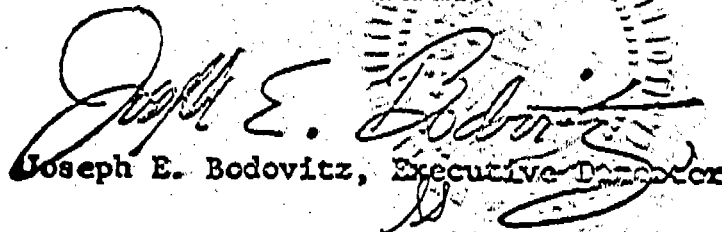
3. Applicant is authorized to deviate from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure.

This order becomes effective 30 days from today.

Dated APR 2 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

Melton Transportation, 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 as follows:

Between all points and places in the State of California, except the following:

- (a) Shipments whose origin and destination are both located within an area comprised of the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont;
- (b) Shipments whose origin and destination are both located within an area comprised of Metropolitan Zones 301 through 312 (San Diego area) as described in Distance Table 8, issued by the Public Utilities Commission of the State of California.
- (c) Shipments whose origin and destination are both located within the City and County of San Francisco.

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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. 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.
15. Commodities and shipments within geographic areas exempt from rate regulation, as described in Commodities and Geographic Areas Exempt from Rate Regulation within the Permissive Scope of Highway Contract Carrier Operations issued by the Public Utilities Commission of the State of California on April 30, 1980.

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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