

Decision S2 07 066JUL 7 - 1982**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Country Road Freightlines, Inc., a )  
 California corporation, for a )  
 Certificate of Public Convenience )  
 and Necessity to extend Highway )  
 Common Carrier intrastate and )  
 interstate rights. )

Application 60868  
 (Filed August 31, 1981)

O P I N I O N

Country Road Freightlines, Inc. (Freightlines) holds authority as a highway common carrier from this Commission for the transportation of general commodities with usual exceptions between all points and places in the County of San Diego and between the City of San Diego and Devore over specified routes. This authority was granted by Decision (D.) 92965 in 1981 (Application (A.) 60147). Freightlines has registered this authority with the Interstate Commerce Commission (ICC) in MC-120782 (Docket MC-FC 79095). Freightlines also operates as an agricultural and a highway contract carrier under permits from this Commission (File No. T-133,233).

Freightlines seeks authority under Public Utilities (PU) Code §§ 1063 and 1064 to extend its highway common carrier intrastate operations. It also seeks authority from the ICC to expand its interstate authority. The extended service area will encompass the entire State of California. Freightlines proposes to provide service on an on-call basis Monday through Friday with Saturday service upon request. Freightlines plans to offer overnight service between all of the points served.

Freightlines filed a copy of this application with the ICC under 49 USC § 10931, thereby seeking registration of the expanded authority. Registration would permit it to transport goods moving in interstate and foreign commerce throughout the new operating area.

Freightlines is presently a member of Western Motor Tariff Bureau, Inc. Upon approval of this application, Freightlines proposes to become a party to the tariffs of that bureau as may be necessary to provide rates for applicant's extended service territory.

Freightlines alleges that it is presently serving throughout the State on an irregular basis under the authority of its highway contract carrier permit. It alleges that its present equipment (one diesel tractor and two flat trailers in addition to several vans) is adequate to maintain on-call service throughout the territory to be served. If and when additional traffic requires the use of additional vehicles, applicant has made arrangements for rental of equipment.

Freightlines claims to have the financial ability to conduct the proposed operations. It has included a balance sheet as of June 30, 1981 showing a net worth of \$18,205. Freightlines claims to have operated between all the points proposed to be served and to be familiar with the needs and requirements of shippers and receivers throughout the area. It believes that its operations outside of the territory in which it is presently certificated to serve may be approaching those of a highway common carrier. In order to continue to provide its existing shippers and receivers with adequate service, it believes that a certificate of public convenience and necessity is required.

Freightlines served a copy of its application on California Trucking Association and on major certificated carriers and notice of the filing of the application appeared on the Commission's Daily Calendar on September 10, 1981. After Federal Register publication, a timely protest was filed by Ditto Freight Lines, Ted Peters Trucking Co., Lodi Truck Service, and Containerfreight Transportation Co. Negotiations followed. The protestants have apparently concluded that applicant will represent no threat to them if restricted to operations south of the northern boundaries of

Monterey, San Benito, Fresno, and Inyo Counties, and if restrained from carrying freight having an immediate prior or subsequent movement by water.

Public demand for applicant's service supports its request for extension of its highway common carrier operations. Protestants concur in the view that applicant should be allowed to operate subject to the geographical restrictions which have been proposed. We will find that the public convenience and necessity require such operations and that applicant is a fit and proper person to hold a certificate. A public hearing is not necessary.

Findings of Fact

1. Freightlines possesses sufficient equipment, has the financial capability to conduct the proposed operations, and is a fit and proper entity to hold a certificate.

2. Public convenience and necessity require that Freightlines be authorized to engage in intrastate commerce in the extended area.

3. With respect to the proposed interstate operations:  
(a) notice was given to interested parties through publication in the Federal Register; (b) interested parties were given a reasonable opportunity to be heard; and (c) public convenience and necessity require that Freightlines be permitted to provide transportation in interstate and foreign commerce within limits that do not exceed the scope of the intrastate certificate issued.

4. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

5. No public hearing is necessary.

6. This application has been unavoidably delayed in processing and should consequently be made effective immediately.

Conclusion of Law

The proposed extension of applicant's certificate of public convenience and necessity is in the public interest and 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. Appendix A of D.92965 is amended by replacing Original Pages 1, 2, and 3 with First Revised Pages 1, 2, and 3 (attached).
2. Applicant shall:
  - a. File a written acceptance of the certificate as amended within 30 days after the order is effective.
  - b. Establish the authorized service and file tariffs within 120 days after the order is effective.
  - c. State in its tariffs when service will start; allow at least 5 days' notice to the Commission; and make tariffs effective 5 or more days after this order is effective.

3. In all other respects D.92965 remains in full force and effect.

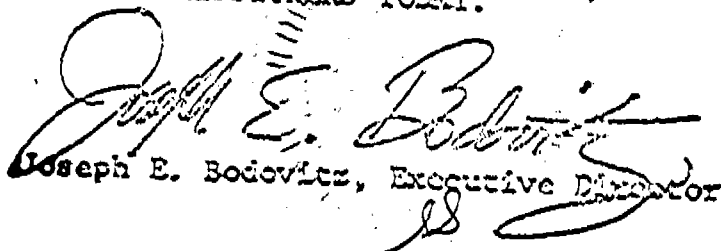
This order is effective today.

Dated JUL 7 1982, at San Francisco, California.

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

Commissioner John E. Bryson,  
being necessarily absent, did  
not participate.

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

  
Joseph E. Bodovitz, Executive Director

Appendix A      COUNTRY ROAD FREIGHTLINES, INC.      First Revised Page 1  
(D.92965)      (a California corporation)      Cancels  
Original Page 1

Country Road Freightlines, 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 south of the northern boundaries of Monterey, San Benito, Fresno, and Inyo Counties.

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store, and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
- \*2. Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis.

Issued by California Public Utilities Commission.

\*Amended by Decision 82 07 066, Application 60868.

Appendix A  
(D.92965)

COUNTRY ROAD FREIGHTLINES, INC.  
(a California corporation)

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- \*3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers.
4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.
5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Newspapers
- \*9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

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\*Amended by Decision S2 07 066, Application 60868.

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Appendix A  
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COUNTRY ROAD FREIGHTLINES, INC.  
(a California corporation)

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10. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
- \*11. Commodities having an immediate prior or subsequent movement by water.

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)

Issued by California Public Utilities Commission.

\*Amended by Decision 82 07 096 Application 60868.