

ORIGINAL

82 07 075 JUL 7 - 1982

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ELECTRONICS VAN, a partnership, for)
a certificate of public convenience)
and necessity to operate as a high-)
way common carrier, pursuant to)
Section 1063 of the Public)
Utilities Code.)

Application 82-03-15
(Filed March 3, 1982)

O P I N I O N

Nancy J. Thompson and James C. Kneer (applicants), a partnership doing business as Electronics Van, seek a certificate of public convenience and necessity as a highway common carrier. They presently operate as a contract carrier and a household goods carrier (T-131,890) from a terminal in San Jose. Their present operation specializes in service to numerous shippers in the electronics and computer industries.

The commodities they transport consist of delicate, high-value items which require specialized handling and equipment. Their two van-type trailers and two bobtails are padded, air-ride vehicles designed to minimize damage en route.

Applicants are affiliated with Aero Mayflower Transit Company and Electronics Air Freight.

Applicants propose to establish rates, rules, and regulations applicable to the transportation of computer and electronic commodities to be transported at the level of rates applicable to the transportation of household goods contained in Minimum Rate Tariff 4-B (MRT 4-B) for shipments moving more than 50 miles. For shipments less than 50 miles, hourly rates or flat rate charges will be published at or above the applicants'

present contract carrier rates. These rates are higher than the rates usually applied to general commodities as found in Transition Tariff 2. They are being established because of the specialized equipment and handling necessary for movement of the computer and electronics items which will comprise the bulk of the shipments which will be initially transported. Commodities not included in the above categories will be transported at rates at or above rates contained in Transition Tariff 2.

Applicants employ approximately 21 persons, including nine drivers and helpers, a dispatcher, a customer service agent, four sales people, three management personnel, a billing clerk, and two clerical employees. Applicants state that these individuals are skilled and capable of providing service that will be satisfactory to the public and meet the specialized needs of the computer and electronics industries.

In November 1981 applicants' total assets of slightly more than \$243,000 included almost \$50,000 in cash and \$13,000 of depreciated operating equipment. Their year end net income was approximately \$82,000 on total revenues of \$953,000.

Typically computer movements are arranged on very short notice. Applicants, by attempting to comply with the Commission's requirement for written contracts, have frequently been compelled to delay service. Applicants also wish to serve shippers who are not members of the computer industry but who have an occasional or nonrepetitive need to transport a computer. Applicants contend that granting them common carrier authority would enable them to compete directly with other common carriers and eliminate unnecessary delays and paperwork imposed by the written contract requirement.

Discussion

In our opinion the commodity or territorial scope of a certificate should not greatly exceed the scope of a carrier's actual dedication to a public use.

Applicants presently intend to be a specialized common carrier. Their authority will therefore be limited to the transportation of computers, electronic devices, related equipment, and parts. They will also be authorized to transport general commodities which are tendered as part of a shipment with such equipment.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 5, 1982, and a copy of the application was mailed to California Trucking Association. No protests have been received. Applicants request waiver of Rule 21(f) of the Commission's Rules of Practice and Procedure requiring wide dissemination of the application.

Findings of Fact

1. Applicants possess satisfactory fitness and financial responsibility to conduct the proposed transportation services.
2. Public convenience and necessity require the service described in Appendix A.
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. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

Applicants have demonstrated public convenience and necessity, and the application should be granted. The names of highways and roads in the certificate are those currently in use.

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 Nancy J. Thompson and James C. Kneer authorizing them to operate as a highway common carrier, as defined in PU Code § 213, between the points listed in Appendix A.

2. Applicants 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 their 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 applicants elect not to transport collect-on-delivery shipments, they shall file the tariff provisions required by that General Order.

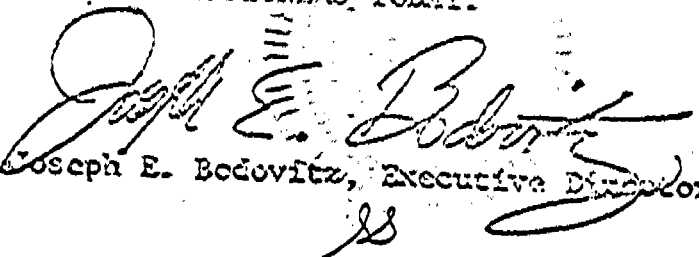
This order becomes effective 30 days from today.

Dated JUL 7 1982, at San Francisco, California.

RICHARD D. CRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
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. Bedovitz, Executive Director

/ALJ/iy

Appendix A Nancy Jane Thompson and James Charles Kneer Original Page 1
(copartners)
doing business as
ELECTRONICS VAN

Nancy Jane Thompson and James Charles Kneer, copartners, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to conduct operations as a highway common carrier as defined in Public Utilities Code Section 213 for the transportation between all points and places in the State of California of the following commodities:

1. Computers, Electronic Devices, and related equipment or parts.
2. General commodities in mixed shipments with commodities named in paragraph 1 above.

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

- a. Used household goods and personal effects, office, store, and institution furniture and fixtures.
- b. Automobiles, trucks, and buses, new and used.
- c. Ordinary livestock.
- d. Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk in any tank truck or tank trailer.
- e. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
- f. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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Decision 82-07-073, Application 82-03-15.

Appendix A Nancy Jane Thompson and James Charles Kneer Original Page 2
(copartners).
doing business as
ELECTRONICS VAN

- g. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
- h. Articles of extraordinary value.
- i. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
- j. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
- k. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
- l. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
- m. 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.
- n. 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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Decision 82 07 075, Application 82-03-15.

present contract carrier rates. These rates are higher than the rates usually applied to general commodities as found in Transition Tariff 2. They are being established because of the specialized equipment and handling necessary for movement of the computer and electronics items which will comprise the bulk of the shipments which will be initially transported. Commodities not included in the above categories will be transported at rates at or above rates contained in Transition Tariff 2.

SS Applicants employ approximately 21 persons, including nine drivers and helpers, a dispatcher, a customer service agent, four sales people, three management personnel, a billing clerk, and two clerical employees. ^{applicant in state} Allegedly, these individuals are skilled and capable of providing service that will be satisfactory to the public and meet the specialized needs of the computer and electronics industries.

In November 1981 applicants' total assets of slightly more than \$243,000 included almost \$50,000 in cash and \$13,000 of depreciated operating equipment. Their year end net income was approximately \$82,000 on total revenues of \$953,000.

Typically computer movements are arranged on very short notice. Applicants, by attempting to comply with the Commission's requirement for written contracts, have frequently been compelled to delay service. Applicants also wish to serve shippers who are not members of the computer industry but who have an occasional or nonrepetitive need to transport a computer. Applicants contend that granting them common carrier authority would enable them to compete directly with other common carriers and eliminate unnecessary delays and paperwork imposed by the written contract requirement.