

Decision 82 OS 028 AUG 4 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SEAPOOL EXPRESS, 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 82-03-47
(Filed March 12, 1982)

O P I N I O N

Seapool Express, Inc. is a California corporation which presently operates as a highway contract carrier under permit (file T-129,383). It proposes to operate as a highway common carrier of general commodities with the usual exclusions except that it plans to use refrigerator equipment to transport commodities requiring temperature control. Applicant also operates as a carrier of general commodities with the usual exclusions in interstate commerce (MC 150970) for traffic having a prior or subsequent movement by water.

Applicant alleges that it receives numerous requests for service and could not respond fully without becoming a common carrier.

It claims to have the financial ability to conduct the proposed operation. Its last year's operations produced an operating loss of \$89,000 on gross revenues of less than \$500,000.

Its balance sheet is as follows:

TABLE I

ASSETSCurrent Assets

Cash	\$11,380
Accounts Receivable, less allowance for bad debt of \$5,066	<u>77,708</u>
Total Current Assets	89,088

Fixed Assets

Furniture & Fixtures, less accumulated depreciation of \$1,413	815
Total Assets	<u>89,903</u>

LIABILITIES & STOCKHOLDERS' EQUITYCurrent Liabilities

Accounts payable	\$ 5,325
Intercompany accounts payable and other liabilities	<u>228,382</u>
Total Liabilities	233,707

Stockholders' Equity

Retained Earnings (deficit)	(143,804)
Total Liabilities & Stockholders Equity	<u>89,903</u>

(Red Figure)

Applicant subsequently advised that the balance sheet was erroneous and that the entry for intercompany accounts payable and other liabilities included items for two noncarrier affiliates.

A revised balance sheet was submitted which shows intercompany accounts attributable to this corporation in the proprietorship accounts.

This balance sheet is set forth in Table II.

TABLE II

<u>ASSETS</u>	
Cash	\$11,380
Accounts Receivable	84,905
Less: Doubtful Accounts	(7,170)
Net	<u>77,735</u>
Prepaid Expenses	<u>(1,831)</u>
Total Current Assets	87,284
Furniture & Fixtures	2,228
Less: Accumulated Depreciation	<u>(1,413)</u>
Net	815
Total Assets	<u><u>88,099</u></u>
 <u>LIABILITIES & STOCKHOLDERS' EQUITY</u>	
<u>Liabilities</u>	
Accounts Payable	\$ 1,062
Accrued Liabilities	<u>5,608</u>
Total Liabilities	6,670
<u>Capital, Advances, & Retained Earnings</u>	81,429
Total Liabilities & Stockholders' Equity	<u><u>88,099</u></u>

(Red Figure)

The corrected balance sheet will support a finding that applicant has the requisite financial resources.

Applicant proposes to operate within all points in Los Angeles Basin Territory and over Interstate 5 between Redding and San Ysidro, Route 99 between Red Bluff and Wheeler Ridge, Route 101 between Crescent City and Los Angeles, Interstate 10 between Los Angeles and Indio, Interstate 80 between San Francisco and Truckee, and Interstate 580 between Oakland and Westley.

Applicant can realistically hold itself out to serve all points within its service territory. It has four vans and seven tractors. It will supplement this fleet when necessary by the use of subhaulers and leased equipment.

Applicant operates throughout the proposed service area as an interstate carrier and as an intrastate contract carrier. It claims to have numerous shipper contacts and support as a result of these operations and that it is in a position to understand and serve their needs.

Applicant has served a copy of the application on California Trucking Association. Notice of its application appeared in the Commission's Daily Calendar of March 16, 1982. No protests have been received. Applicant has requested that we decide this application without a hearing and without further notice to competitors. Given that there are thousands of common carriers we will not require compliance with Rule 21(f).

Findings of Fact

1. Applicant possesses satisfactory fitness and financial resources to conduct the proposed transportation services.
2. Public convenience and necessity require the service proposed by applicant.
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

Applicant has 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 Seapool Express, 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 provisions
required by that General Order.

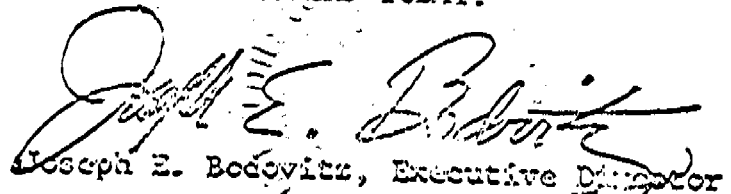
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
COMMISSIONERS

Commissioner Richard D. Gravelle, being
necessarily absent, did not participate
in the disposition of this proceeding.

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


Joseph E. Bedovitz, Executive Director

Seapool Express, Inc., by the certificate of public convenience and necessity granted by 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.
 5. Interstate Highway 80 between San Francisco and Truckee.
 6. Interstate Highway 580 between Oakland and its junction with Interstate Highway 5 near Westley.

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.

Issued by California Public Utilities Commission.

Decision SZ 03 02S, Application 82-03-47.

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.
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.

Issued by California Public Utilities Commission.

Decision 82 08 028, Application 82-03-47.

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.

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)

Issued by California Public Utilities Commission.

Decision 82 03 028, Application 82-03-47.