

ORIGINAL

Decision S2 OS 056 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of TERRAIN TAMERS, INC.- INTER-)
STATE TRANSPORT, a Corporation)
Pursuant to Section 1063 of the)
Public Utilities Code, for a)
Certificate of Public)
Convenience and Necessity to)
Operate as a Highway Common)
Carrier.)

Application 82-04-08
(Filed April 5, 1982)

O P I N I O N

Terrain Tamers, Inc.-Interstate Transport (Terrain), an Oregon corporation, seeks a certificate of public convenience and necessity authorizing the transportation of general commodities between all points in the State of California under Public Utilities (PU) Code Section 1063. Terrain possesses a Certificate of Qualification issued by the Secretary of State authorizing it to transact intrastate business in the State of California.

Terrain presently holds no operating authority from this Commission. It conducts interstate and foreign operations under a certificate of public convenience and necessity issued by the Interstate Commerce Commission in Docket No. MC-146583.

Terrain's principal place of business is Old Highway 99 South, Roseburg, Oregon. It shares facilities with its parent, Terrain Tamers, Inc. (TTI), an Oregon corporation, which owns all of the outstanding stock of Terrain. All of the outstanding capital stock of TTI is owned by the president of Terrain, Darrel W. Boyer. TTI is engaged in for-hire intrastate transportation within the State of Oregon.

Boyer has been engaged in the trucking business since 1959 and has experience in all phases of trucking operations, including driving, maintenance, dispatch, and management. He founded TTI in 1971, and has managed Terrain and TTI to their present state of development.

Terrain proposes to provide on-call service, seven days a week, specializing in the movement of shipments requiring transportation on flatbed trailers. It presently conducts that type of operation in interstate or foreign commerce between points in the Pacific Northwest, on the one hand, and on the other, points in California. Applicant delivers 12 to 15 truckload shipments to California each week. Terrain alleges it has been requested by many shippers in California to provide transportation of a wide varieties of commodities, including lumber, lumber products, machinery farm equipment and supplies, iron and steel fabrications.

portable barns, fencing, fertilizer, salt, feed, sand, tires, retread rubber, paper, roofing, roofing materials, wallboard, and a number of other products, all of which are suitable for movement on flatbed trailers. Applicant claims that its service is in demand because of courteous drivers, prompt pickups, and fast, timely deliveries. It also states that its well-maintained and relatively new lightweight equipment is capable of transporting larger pay loads than the older, heavier types of flatbed equipment.

Terrain leases all its fixed assets from its parent corporation. An equipment list attached to the application shows that it operates 24 power units and 29 trailers, mostly flatbeds.

Applicant's balance sheet of December 31, 1981, attached as Exhibit F of the application, shows total assets of \$43,427. As of the same date, total stockholders equity (deficit) equals \$18,688. This negative stockholders equity results partly from a write-off of an operating loss effecting an income tax savings to the parent corporation in a consolidated income tax return. The net worth of the parent corporation as of the same date was \$544,961 with a net operating profit of \$83,282.

A copy of the application was furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of April 7, 1982. No protests have been received.

Applicant requests relief from the provisions of the Commission's Rules of Practice and Procedure which require wide distribution of the application.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to initiate and perform the proposed intrastate operations.
2. Public convenience and necessity require the proposed intrastate service.
3. A public hearing is not necessary.
4. The order which follows has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusions of Law

1. The application should be granted as set forth in the ensuing order.
2. Applicant's request for relief from the provisions of Rule 21(f) of the Commission's Rules of Practice and Procedure 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. A certificate of public convenience and necessity is granted to the applicant, Terrain Tamers, Inc.-Interstate Transport, an Oregon 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.

3. Applicant's request for relief from the provisions of the Commission's Rules of Practice and Procedure requiring wide dissemination of the application is granted.

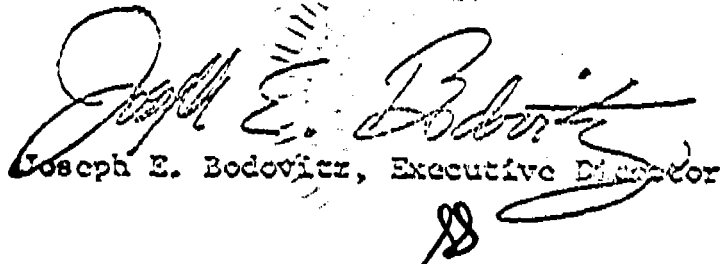
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

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

Commissioner Richard D. Gravello, 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. Bodovitz, Executive Director

TERRAIN TAMERS, INC.-INTERSTATE TRANSPORT, 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.

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6. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
7. Articles of extraordinary value.
8. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
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.
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.

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