

Decision 82 09 036

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WYCOFF COMPANY, INCORPORATED, a Utah corporation, for a certificate of public convenience and necessity authorizing the transportation of general commodities between points in the State of California.

Application 82-05-07
(Filed May 3, 1982)

O P I N I O N

Wycoff Company, Incorporated (Wycoff), a Utan corporation, applies, under Public Utilities (PU) Code §§ 1063 and 1064, for a certificate of public convenience and necessity authorizing the transportation of general commodities (with exceptions) to and between points within the State of California.

Wycoff presently conducts substantial operations as a for-hire motor carrier for the transportation of various commodities in interstate commerce to and between a number of states including California. These operations are presently being conducted under certificates of public convenience and necessity issued to Wycoff by the Interstate Commerce Commission (ICC) at Docket No. MC-89684 and Subs. Wycoff holds no operating authority from this Commission but is qualified to transact business in the State of California as a foreign corporation.

Wycoff is a highway common carrier of general commodities of packages or articles weighing not more than 100 pounds in weight, and not more than 500 pounds in the aggregate. Although not an "express carrier" as defined by PU Code § 219, Wycoff's primary endeavor involves expedited over-the-road transportation of small packages.

It is alleged that during the course of its operations conducted in and out of California as well as to and between points within California in interstate commerce, Wycoff has received repeated demands and requests for a general commodity small-package-type service in intrastate commerce wholly within California. The service which Wycoff proposes to provide in California is, from an operational standpoint, essentially the same type of service that it is providing for shippers in interstate commerce as well as in intrastate commerce in other states.

The application states that the expanding electronics, computer, and technical industries in California have resulted in an increasing demand and need for Wycoff's proposed intrastate service. There are 28 letters of public support from manufacturers and shippers in California attached to the application. Those potential users of the proposed service attest that up to 90% of their shipments weigh less than 100 pounds, that they will use the Wycoff service, and that they will appear and testify to that effect if a public hearing is required.

The proposed transportation will be daily, Monday through Friday. Time in transit for this service will be both same day and overnight, depending upon the time of day requests for service are received. The rates to be assessed for such transportation will be in compliance and commensurate with any applicable rates and charges to be established by the Commission. Tariffs containing such rates and related rules and regulations will be filed with this Commission upon receipt of the certificate sought.

By decision dated February 12, 1982 and served March 3, 1982, Delta California Industries, Inc. acquired temporary control of Wycoff in No. MC-F-14746 issued by the ICC. Corresponding permanent control was authorized by the ICC by publication in the Federal Register of Monday, March 8, 1982, at page 9916.

Attachments to the application show that Wycoff has the financial resources, ability, and a substantial fleet of equipment to render the proposed service.

Notice of the filing of the application appeared on the Commission's Daily Calendar, and a copy was served upon the California Trucking Association. No protests have been received. Wycoff requests relief from the provisions of Rule 21(f) of the Commission's Rules of Practice and Procedure because of the restrictive nature of the application and the limited number of carriers holding competing authority.

Findings of Fact

1. A public hearing is not necessary.
2. Wycoff has the ability, experience, equipment, and financial resources to perform the proposed service.
3. Public convenience and necessity require that Wycoff be authorized to engage in operations in intrastate commerce as proposed in the application.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The application, including the request for relief from the provisions of Rule 21(f) of the Commission's Rules of Practice and Procedure, should be granted as set forth in the ensuing order.

Only the amount paid to the State for operative rights may be used for rate fixing. The State may grant any number of rights and may modify or cancel 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 Wycoff Company, Incorporated, a Utah corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points and over the routes 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.

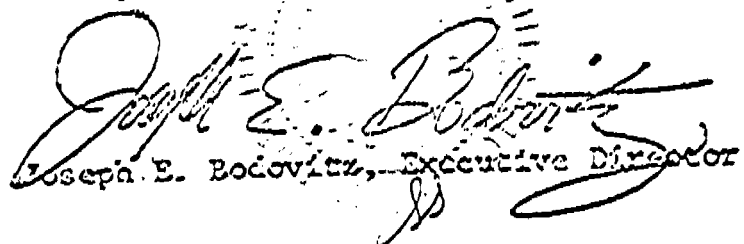
3. Relief from the provisions of Rule 21(f) of the Commission's Rules of Practice and Procedure is granted.

This order becomes effective 30 days from today.

Dated SEP 8 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director

Wycoff Company, Incorporated, 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 counties in the State of California. Service is limited to the transportation of packages or articles not exceeding 100 pounds in weight, and restricted against shipments of an aggregate weight exceeding 500 pounds.

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. Articles of extraordinary value.
3. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

Appendix A

WYCOFF COMPANY, INCORPORATED
(a Utah corporation)

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4. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
5. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.

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.

Decision 82 09 036, Application 82-05-07.