

Decision 82 09 044 SEP 8 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)	
of PHILLIP [sic] S. BROWN for a certifi-	)	Application 82-01-41
cate of public convenience and	)	(Filed January 19, 1982)
necessity authorizing operations	)	
as a highway common carrier.	)	
	)	

O P I N I O N

Philip S. Brown has applied for a certificate of public convenience and necessity as a highway common carrier. He holds a highway contract carrier permit (T-129,000).

The proposed authority would authorize service between all places in San Francisco, Alameda, Contra Costa, San Mateo, and Santa Clara Counties. Applicant plans to carry general commodities with the usual exceptions.

Applicant plans to register his authority with the Interstate Commerce Commission (ICC). He now conducts some interstate operations in a portion of the proposed service area under temporary ICC authority (MC-158614 - Sub. 6-1TA).

Applicant claims that many of the shippers he serves require a carrier able to operate in both intrastate and interstate commerce. Applicant states that he needs a certificate to continue orderly growth.

He owns two tractors and a bobtail. His financial statements show a personal net worth of \$132,000 including \$7,500 cash. His business net worth is \$31,000 including \$8,000 cash.

Applicant plans to adopt rates at the same level as applicable Commission-issued tariffs.

Applicant served a copy of his application on California Trucking Association. Notice of the filing appeared in the Federal Register on May 24, 1982 and in the Commission Daily Calendar. No protests have been received.

Findings of Fact

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

2. Public convenience and necessity require that applicant be authorized to engage in intrastate commerce in the proposed service 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 applicant 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. A public hearing is not necessary.

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

Conclusion of Law

The application should be granted as set forth in the ensuing order.

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 Philip S. Brown, an individual, authorizing him 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 his 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.

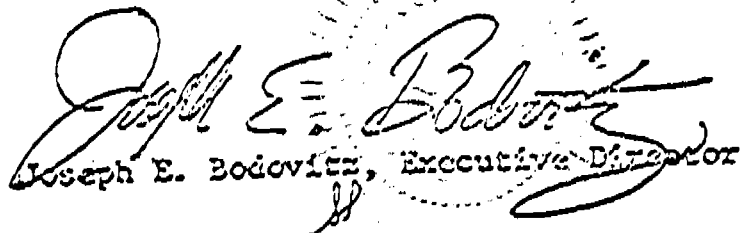
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, he shall file the tariff provisions required by that General Order.

This order is effective today.

Dated SEP 8 1982, at San Francisco, California.

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

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

  
Joseph E. Bodovitz, Executive Director

Philip S. Brown, an individual, 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 the Counties of Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara:

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.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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Appendix A

PHILIP S. BROWN  
(an individual)

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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. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
11. 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.
12. 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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