

ORIGINAL

Decision 82 09 097 SEP 22 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CUSTOM TRUCK SERVICE, INC., for an)
 extension of its certificate of)
 public convenience and necessity to)
 operate as a highway common carrier)
 for the transportation of general)
 commodities, with certain exceptions,)
 between points in California, and the)
 issuance of an in-lieu certificate)
 of public convenience and necessity.)

Application 82-05-19
(Filed May 7, 1982)

C P I N I O N

Applicant Custom Truck Service, Inc., a California corporation, requests an extension of its certificate of public convenience and necessity (CPC&N) to operate as a highway common carrier in the transportation of general commodities, with the usual exceptions, between all points in the State of California, and the issuance of an in-lieu CPC&N.

By Decision 92676 dated February 4, 1981 in Application 59977, applicant has been granted a CPC&N to operate as a highway common carrier for the transportation of general commodities, with certain exceptions, in intrastate commerce between points in Los Angeles Basin Territory. Applicant has also been granted a contract carrier permit under File T-131,182.

Applicant proposes to provide the service Monday through Friday, and Saturday upon request, Sundays and holidays excepted. Applicant avers that the proposed service will be same day and overnight in character, i.e. shipments picked up on one day normally

will be delivered at the destination points on applicant's proposed routes either the same day or in the morning of the following day. Applicant proposes to provide, in part, the transportation of commodities requiring the use of special refrigeration or temperature controlled equipment.

Applicant presently has its rates and charges established with Cal West Tariff Bureau. In connection with the proposed service, applicant proposes to establish rates substantially in conformity with rates and charges presently published with Cal West Tariff Bureau.

Applicant is a wholly owned subsidiary of R.P.B. Service, Inc., a New York corporation.

Applicant shows total assets of \$172,000 and a net worth of \$89,000 as of September 30, 1981. For the year ended September 30, 1981, its revenue is \$726,000 and net revenue is \$79,000. Applicant has 16 pieces of vehicular equipment and has the financial ability to provide the proposed service.

Applicant states that it has operated as a common carrier between points in the Los Angeles Basin Territory since its certificate was granted and that it has operated as a contract permit carrier of the commodities requested in this application between the points proposed to be served continuously since its permit was granted.

Applicant states that it is familiar with the needs and requirements of the shippers, consignors, and consignees in the State. Applicant also states that it has received numerous requests from various shippers having movements of the commodities involved in this application. Applicant believes that in order to satisfy these requests its operations would constitute that of a common carrier, and in order to continue to provide the service as requested by its customers, it seeks a certificate.

Applicant alleges that the application is not a significant action affecting the quality of the human environment.

Applicant served a copy of its application on the California Trucking Association. It states that it will mail copies of its application to any other party who requests a copy or upon request of the Commission. Applicant requests that the Commission waive the service requirements of Rule 21(f) of the Commission's Rules of Practice and Procedure.

In support of its request for a waiver it contends that the time and expense in finding and serving all potential competitors would be unduly oppressive since numerous carriers received certificates under Senate Bill 860 and there is no current listing identifying the carriers with which the proposed operation would be competitive. Applicant's request is granted.

Notice of filing of the application appeared in the Commission's Daily Calendar of May 11, 1982. No protests to the application have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests that its authority to operate as a highway common carrier of general commodities, with the usual exceptions, between points in the Los Angeles Basin Territory, be extended to all points in the State of California and that it be issued an in-lieu certificate.

2. Applicant currently operates as a highway common carrier in the Los Angeles area and as a contract carrier of the commodities it proposes to transport as a highway common carrier between the points it proposes to serve.

3. Many shippers have requested applicant to render them a highway common carrier service in the transportation of general commodities.

4. Applicant has the experience and equipment necessary to conduct the proposed service.

5. Applicant is financially able to conduct the proposed service.

6. Public convenience and necessity require that the requested certificate be granted for intrastate commerce.

7. A public hearing is not necessary.

8. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusions of Law

1. The application should be granted.

2. Rule 21(f) of the Commission's Rules of Practice and Procedure should be waived.

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 Custom Truck Service, 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.

3. The certificate of public convenience and necessity granted in Ordering Paragraph 1 shall supersede that granted by Decision 92676. That certificate is revoked on the effective date of the tariff filings required by Ordering Paragraph 2(b).

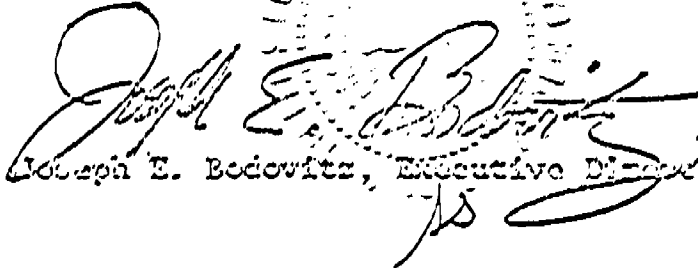
4. Rule 21(f) of the Commission's Rules of Practice and Procedure is waived.

This order becomes effective 30 days from today.

Dated SEP 22 1982, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director

Custom Truck Service, Inc., 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 between all points in 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.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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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. 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. ✓

(END OF APPENDIX A)

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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. 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.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 82 09 037, Application 82-05-19.