

ORIGINAL

Decision 82 10 015 OCT 6 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of BAY-SEA TRANSPORT, INC. for a )  
certificate of public convenience )  
and necessity authorizing )  
operations as a highway common )  
carrier. )

Application 82-04-45  
(Filed April 22, 1982)

O P I N I O N

Bay-Sea Transport, Inc. seeks statewide highway common carrier authority. It now operates as an interstate contract carrier providing transportation for Norco Paint Company, Inc., Rudd Company, Inc., Jasco Chemical Corp., Yale Industrial Trucks, and Oregon-California Forest Products, Inc. These shippers, and Krueger & Sons, Inc., also have intrastate transportation requirements and have requested that applicant obtain proper operating authority to serve their needs.

Applicant has a tractor and van and plans to lease additional vehicles should the demand for service warrant. Its operations in a recent 12 month-period grossed \$135,000 with net income of approximately \$26,000. Table I presents its balance sheet as of April 1, 1982.

TABLE I

AssetsCurrent Assets

Cash in Bank	\$ 1,914
Accounts Receivable - Trade	<u>18,686</u>
Total Current Assets	<u>\$20,600</u>

Fixed Assets

Peterbilt 3-axle Truck & Utility Van (Net Book Value)	\$41,332
Total	<u>\$61,932</u>

Stockholders' EquityCurrent Liabilities

Payroll Taxes Payable	\$1,820
Mortgage Payable - Current	<u>4,200</u>
Total Current Liabilities	<u>\$6,020</u>

Long-Term Liabilities

Mortgage Payable	<u>20,900</u>
Total Liabilities	<u>\$26,920</u>

## Stockholders' Equity

	<u>35,012</u>
Total	<u><u>\$61,932</u></u>

With reference to the question of public convenience and necessity, the application states:

"Under the circumstances, the applicant believes that it must, out of necessity, apply for a certificate of public convenience and necessity rather than for a contract permit to most efficiently serve the shippers for which immediate services will be rendered. Moreover, applicant anticipates that it will also serve shippers in addition to those named above and common carrier authority will allow it to transport freight for any additional shippers that may require applicant's service. Also, as it is reasonable to anticipate that the business will expand in the future, it is necessary to apply for and obtain this authority to enjoy orderly growth."

Applicant originally proposed to offer daily service to and from all points in the State of California. This proposal was subsequently amended to include a more realistic service territory, specified in Finding 2, below. This service will be provided Monday through Friday with Saturday service on demand. Shipments will be delivered on a same-day or overnight basis depending on the time of tender. Applicant's terminal is in San Leandro.

It should be noted that while applicant is not formally affiliated with Norco Paint Company, several of the principal shareholders in that company hold more than a majority of applicant's shares.

Notice of the filing of the application appeared on the Commission's Daily Calendar on April 26, 1982. No protests were received.

Findings of Fact

1. Applicant is a domestic corporation.
2. Public convenience and necessity require that applicant provide a daily or overnight service between all points in San Francisco, Alameda, San Mateo, and Santa Clara Counties, on the one hand, and all points in California, on the other hand.

3. Applicant is a fit and proper entity to hold a certificate of public convenience and necessity from this Commission.

4. Applicant has the capacity and the financial resources to perform the service proposed in the amendment.

5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

Conclusion of Law

Public convenience and necessity require that applicant be authorized to engage in intrastate commerce and the application 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 Bay-Sea Transport, 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. File tariffs within 120 days after this order is effective, and institute the authorized service prior to December 30, 1982.

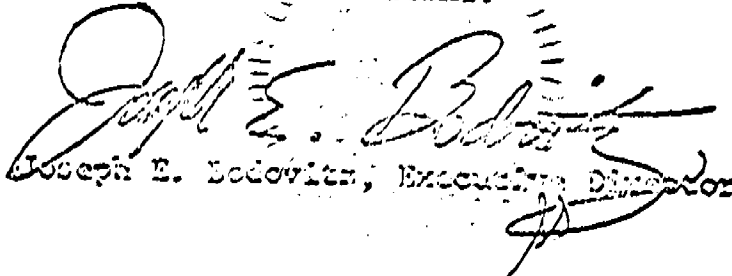
- c. State in its tariffs when service will start; allow at least 10 days' notice to the Commission; and make tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 80, 100, 104, and 147, and the California Highway Patrol safety rules.
- e. Maintain accounting 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 the General Order.

This order becomes effective 30 days from today.

Dated OCT 6 1982, in 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. Sedovitz, Executive Director

Bay-Sea Transport, 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:

Between all points in the Counties of Alameda, San Francisco, San Mateo, and Santa Clara, on the one hand, and all points in the State of California, on the other hand.

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.

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

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Appendix A

BAY-SEA TRANSPORT, INC.  
(a California Corporation)

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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.

Whenever carrier engages other carriers for the transportation of property of Norco Paint Company, Inc., or its subsidiaries or affiliates or customers or suppliers of Norco Paint Company, Inc., or its subsidiaries or affiliates, carrier shall not pay such carriers less than 100% of the applicable rates and charges on file with the Commission for the transportation actually performed by such other carrier.

(END OF APPENDIX A)

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With reference to the question of public convenience and necessity, the application states:

"Under the circumstances, the applicant believes that it must, out of necessity, apply for a certificate of public convenience and necessity rather than for a contract permit to most efficiently serve the shippers for which immediate services will be rendered. Moreover, applicant anticipates that it will also serve shippers in addition to those named above and common carrier authority will allow it to transport freight for any additional shippers that may require applicant's service. Also, as it is reasonable to anticipate that the business will expand in the future, it is necessary to apply for and obtain this authority to enjoy orderly growth."

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