

Decision 82 11 065 NOV 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
DURNIL TRANSPORTATION SYSTEMS, )  
INC., for a 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. )

Application 82-05-58  
(Filed May 24, 1982)

O P I N I O N

Durnil Transportation Systems, Inc. (Durnil), a California corporation, operates in intrastate commerce under a highway contract carrier permit issued to it by the Commission in File T-137,072. By this application it seeks a certificate of public convenience and necessity to transport general commodities between all points and places in California. The usual commodity exceptions except the one relating to the use of special refrigeration and temperature-controlled equipment would apply to the sought general commodity authority. No interstate or foreign commerce authority is sought.

The application states as follows:

1. Durnil has experience in the transportation of general commodities and refrigerated freight throughout the State as a highway contract carrier. Its president, who is also a director of the company, has been in the motor carrier transportation business for over 20 years.
2. Durnil has received, and continues to receive, numerous requests from many shippers for transportation of the commodities requested between all areas of the State. To satisfy these requests the frequency and regularity of the service would require a highway common carrier certificate.

3. The proposed service would be on a daily basis, Monday through Friday, with Saturday service on request and no service on Sundays or holidays. Shipments would normally be delivered the same day or next morning depending on the distance involved.
4. Durnil will establish rates in conformity with those of the Commission's transition tariffs or with those of an established tariff bureau.
5. Durnil has five 3-axle tractors and five 45-foot van trailers. Should additional equipment be necessary to satisfy the needs and demands of customers, it will lease additional equipment or use subhaulers.
6. Durnil has the financial ability to provide the proposed service.

As of May 1, 1982 Durnil had assets of \$60,400.21, liabilities of \$18,900, and a net worth of \$40,500.21. By letter dated July 20, 1982 Durnil furnished a projected profit and loss statement for one year's operation under the sought certificated authority. According to the pro forma statement, it anticipates revenue of \$375,000, expenses of \$326,500, and a profit of \$48,500 before income taxes for this period.

The application was listed on the Commission's Daily Calendar and was served in accordance with the Commission's procedural rules on June 24, 1982. There are no protests to the sought certificate. We are of the opinion that the application should be granted.

#### Findings of Fact

1. Durnil has the experience and ability to provide the proposed service.
2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

4. Public convenience and necessity require the proposed operation.

5. A public hearing is not necessary.

Conclusion of Law

The application should be granted as set forth in the following 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 Durnil Transportation Systems, Inc., a California 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.

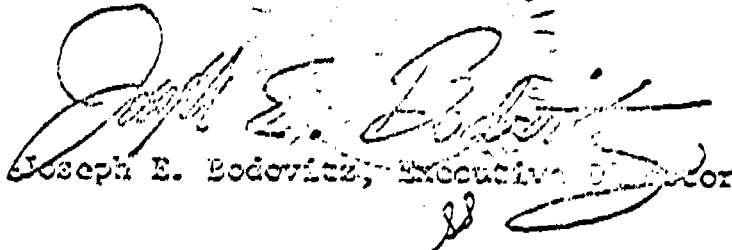
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariff provisions required by that General Order.

This order becomes effective 30 days from today.

Dated NOV 17 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

Appendix A DURNIL TRANSPORTATION SYSTEMS, INC. Original Page 1  
(a California corporation)

Durnil Transportation Systems, 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 as follows:

Between all points and places in 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.
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.

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Decision 82 11 065, Application 82-05-58.

Appendix A DURNIL TRANSPORTATION SYSTEMS, INC. Original Page 2  
(a California corporation)

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.

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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