

Decision 82 12 014 December 1, 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of GEORGE J. PANDOLFO, an)
individual doing business as)
Service Truck Lines, for a cer-)
tificate of public convenience)
and necessity authorizing the)
transportation of general commod-)
ities between points in the State)
of California.)

Application 82-08-27
(Filed August 13, 1982)

O P I N I O N

George J. Pandolfo (Pandolfo), an individual doing business as Service Truck Lines, operates under an in-lieu highway common carrier certificate granted by Decision (D.) 89480 dated October 3, 1978, as amended by D.89797 dated December 19, 1978, in Application 58090. The certificate authorizes the transportation of general commodities between all points in and within 10 miles of the San Francisco (SF) Territory and between all points on or within 10 miles laterally of certain routes in the area bounded by the SF Bay Area and Sacramento, on the north, and Fresno, on the south. In addition to the usual exceptions, the transportation of shipments having an immediately prior or subsequent movement by air is excepted from the certificate. Pandolfo has registered this certificate with the Interstate Commerce Commission (ICC) and has been granted coextensive interstate and foreign operating authority by the ICC in its Docket MC 121730, Sub 1, et al. He also holds an intrastate, general commodities, statewide highway contract carrier permit.

By this application Pandolfo seeks a highway common carrier certificate for the transportation of general commodities with the usual exceptions in the balance of the State not covered by his present certificate. The authority sought does not include

a restriction against the transportation of shipments having an immediately prior or subsequent movement by air. He does not request interstate and foreign authority for the sought area.

The application states as follows:

1. Pandolfo is an experienced and successful motor carrier. He has received repeated demands and requests from his customers for highway common carrier service to points in the sought area. The substantial population and industrial growth in California has brought about increased public demand for the proposed service. Approval of the requested authority would benefit the shipping public having a need for this service and would be in the public interest.
2. The proposed service would be essentially the same type now provided by Pandolfo. It should not have any adverse effect on any existing carriers.
3. The proposed service would be daily, Monday through Friday. Transit time would be same day or overnight, depending on the time of day service is requested and distance. Tariffs filed for the service would be based on applicable tariffs issued by the Commission.
4. Pandolfo's principal place of business is located in Oakland. He operates two tractors, one bobtail truck, seven van trailers, and one pickup truck. He has the financial ability to render the proposed service and to obtain any additional equipment that may be necessary.
5. The proposed service would not be detrimental to the environment or have a significant effect on fuel efficiency.
6. Public convenience and necessity require the proposed service.

As of December 31, 1981, Pandolfo had assets of \$607,804, liabilities of \$118,350, and a net worth of \$489,454 of which real estate accounts for \$389,291. For the year 1981, he had a gross revenue of \$168,627 and a net profit of \$17,898 before income taxes.

The application was listed on the Commission's Daily Calendar of August 17, 1982. No protest has been received. We are of the opinion that the application should be granted.

As indicated, Pandolfo has registered his present certificate with the ICC and does not request interstate and foreign authority in connection with the sought certificate. Also, a restriction prohibiting the transportation of shipments with an immediately prior or subsequent movement by air is included in his present certificate and not in the proposed certificate. For these reasons it would not be appropriate to issue an in-lieu certificate consolidating his present and proposed certificates. A separate certificate will be issued for the authority granted here. Except for the air shipment restriction in his present certificated area, the two certificates will, in effect, give Pandolfo intrastate authority to provide statewide highway common carrier service for the transportation of general commodities. In this regard Public Utilities (PU) Code § 1066 states as follows:

"Unless prohibited by the terms and conditions of any certificate that may be involved, any one highway common carrier may establish through routes and joint rates, charges, and classifications between any and all points served by it under any and all certificates or operative rights issued to or possessed by it."

Findings of Fact

1. Pandolfo holds a highway common carrier certificate which authorizes the transportation of general commodities between all points in and within 10 miles of the SF Territory and between all points in and within 10 miles laterally of certain routes in the area bounded by the SF Bay Area and Sacramento, on the north, and Fresno, on the south. In addition to the usual exceptions, it includes an exception prohibiting the transportation of shipments having an immediately prior or subsequent movement by air. The certificate has been registered with the ICC, and he provides coextensive service to interstate and foreign commerce. He also holds

an intrastate, general commodities, statewide highway contract carrier permit.

2. Pandolfo requests a general commodities highway common carrier certificate with the usual exceptions for the balance of the State not included in his present certificate. The air shipment restriction in his present certificate, referred to in Finding 1, is not included in the sought operating rights.

3. Pandolfo does not seek authority to operate in interstate and foreign commerce within the proposed certificated area.

4. Pandolfo has the experience and ability to provide the proposed intrastate certificated service.

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.

7. Public convenience and necessity require the proposed intrastate certificated operation.

8. 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 George J. Pandolfo, 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.

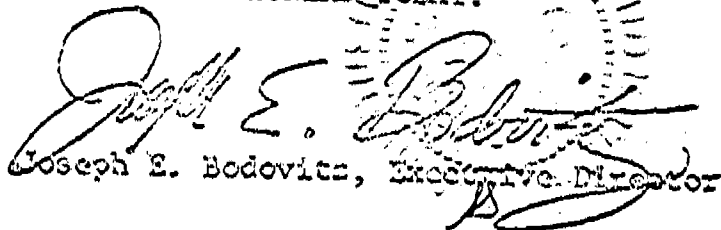
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, he shall file the tariff provisions required by that General Order.

This order becomes effective 30 days from today.

Dated DEC 1 1982, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director

Appendix A

GEORGE J. PANDOLFO
(an individual)
doing business as
SERVICE TRUCK LINES

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George J. Pandolfo, 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 those points and places carrier is presently authorized to serve under certificated authority granted by Decisions 89480 and 89797 in Application 58090).

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.

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Appendix A

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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. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
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.

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Appendix A

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doing business as
SERVICE TRUCK LINES

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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.

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ALJ/nb

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