

ALJ/nb

Decision 82 12 031

DEC 1 1982

ORIGINAL**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application
of AUSMUS TRUCKING, INC. for a
certificate of public convenience
and necessity authorizing opera-
tions as a highway common carrier.

Application 82-07-09
(Filed July 2, 1982)

O P I N I O N

Ausmus Trucking, Inc. (Ausmus) is a California corporation operating from Sacramento. It holds a highway contract carrier permit; it has substantial operations both as a subhauler and a prime carrier.

It seeks intrastate highway common carrier authority. It also proposes to conduct similar operations in interstate and foreign commerce. The scope of both operations will be statewide. Intra-state shipments will be rated at the level of the appropriate Transition Tariffs issued by this Commission.

It has total assets of approximately \$88,000. Capital stock and retained earnings amount to approximately \$79,000. It owns two tractors and leases 24 trailers. It also employs subhaulers who own 16 tractors. It plans to purchase several sets of trailers when this application is granted.

Ausmus' principal, William Ausmus, has approximately 40 years of experience in transporting general commodities.

On October 26, 1982 Ausmus' counsel amplified its claim of public convenience and necessity as follows:

"Preliminarily it should be observed that while applicant's services for these shippers have usually been performed as a subhauler, generally they are acquainted only with applicant and not the prime carrier. Personal contacts have been only with applicant, and it is applicant's equipment and personnel which have served the shippers. They have requested that applicant obtain the authority sought in the application and have indicated that they would tender to applicant shipments described below. As to government traffic, both state and federal, through its operations applicant has become acquainted with personnel of the various agencies in charge of the traffic who have advised applicant that, upon the submission of satisfactory tenders, freight would be allocated to it. With respect to shippers other than government agencies, they are alphabetically indicated below. Should you wish to know the name of a specific shipper, it will be furnished to you upon request. However, it is desired that the confidentiality be observed.

"Shipper A. This shipper maintains approximately twenty large department stores throughout California. It has both inbound and outbound daily shipments involving all stores. Applicant will receive daily a minimum of one double trailer load of less-than-truckload shipments inbound and one load of LTL shipments outbound. Shipments move in intrastate commerce between stores, and from suppliers throughout California to stores. In addition, interstate shipments move to the stores which would be tendered to applicant at interchange points in California.

"Shipper B is a Sacramento distributor of shelving and storage racks. Shipments from Sacramento will be made via applicant in stores and warehouses throughout California in a minimum quantity of 10,000 pounds per week with tenders being made two or three times each week.

"Shipper C is a manufacturer of building sheet metal at Redwood City distributing such commodities as gutters, flues, and other sheet metal products to all points in California. A minimum of two full loads of less-truckload shipments will be tendered weekly.

"Shipper D distributes business forms from Sacramento to all firms and agencies using such forms throughout the state. A minimum of 10,000 pounds per week will be tendered consisting of daily shipments. This form is situated within 100 feet of applicant's Sacramento terminal.

"Shipper E manufactures plastic pipe and metal and plastic fittings for irrigation and numerous other purposes. It is domiciled in San Diego and has both inbound and outbound shipments involving numerous California points. Inbound, applicant will receive a minimum of one truckload of plastic tubing per week. Outbound, it will receive a minimum of 20,000 pounds per week of daily tenders, some moving in interstate commerce.

"Shipper F is a Fresno manufacturer of chemicals, cleaning compounds and methanol. It makes outbound shipments to all points in California where there are farms, farm suppliers, hardware stores and service stations, among other types of businesses. Outbound, there will be a daily minimum of 50,000 pounds of less-truckload shipments, generally each component being 10,000 pounds or more. Inbound, there will be a minimum of 50,000 pounds per day of packaged chemicals in a number of less-truckload components. Interstate shipments will move both inbound and outbound through numerous California interchange points.

"Shipper G manufactures at Visalia metal doors, walls and ceilings and components (knocked down) which are used to erect metal rooms for refrigeration, storage and other purposes. Outbound, there will be 3 or 4 shipments totaling 10,000 pounds per week destined to numerous California points.

"Shipper H is a distributor of florescent [sic] tubes and fixtures at Sacramento. Outbound shipments of one and one-half trailer loads per week in daily tenders, on the average, to destinations throughout the state. Consignees are stores, apartment buildings, government agencies and any other type of firm or agency using florescent tubes. Interstate shipments will be interchanged at numerous California points.

"Shipper I is a manufacturer of men's and women's clothing at San Francisco with outbound daily shipments consisting of 40,000 pounds per week in less-truckload shipments to numerous stores in California selling such clothing and to interchange points in California for out-of-state destinations.

"Shipper J is a chain of auto-parts-stores with 80 locations throughout the state, the main store being at Oakland. It sells auto parts and various supplies for automobiles, such as lubricants and tires. The stores are scattered throughout the state. Applicant expects to receive on a daily basis numerous shipments in full truckloads and less-truckload quantities from the warehouse in Oakland to all of its stores. There are also inbound shipments which will be tendered to applicant by numerous suppliers throughout the state to the warehouse in Oakland. Interstate shipments will move to the warehouse through California interchange points.

"Government Agencies

"State of California at Sacramento: Applicant presently transports as a subhauler for the State of California at Sacramento freight consisting of general commodities destined to all State facilities in California. Applicant anticipates its tender will result in shipments aggregating 10,000 pounds per day.

"General Services Administration - Stockton: Applicant also serves this facility as subhaulers and has direct communication with personnel. It will submit a tender at Stockton and receive freight (upon acceptance of the tender) destined to all United States facilities such as fire stations, military and federal agencies. It is anticipated that a minimum load of one set of doubles per day will be received by applicant for routes to be designated by the agency between Redding and San Diego - but not between Monterey and Santa Barbara and intermediate points.

"Department of Defense: Subject to tender such as referred to above, applicant expects to receive shipments of general commodities, upon acceptance

of its tender, for movement between military bases in California. The volume cannot be determined at this time. Both interstate and intrastate shipments will be transported for these agencies between points in California."

Ausmus' notice appeared in the Federal Register on July 27, 1982. The proceeding was noticed in this Commission's Transportation Calendar on July 7, 1982. No protests have been received and a public hearing is not necessary.

Findings of Fact

1. Ausmus possesses sufficient equipment, has the financial capability to conduct the proposed operations, and is a fit and proper entity to hold a certificate.
2. Public convenience and necessity require that Ausmus be authorized to engage in intrastate commerce statewide.
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 Ausmus 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 should be made effective immediately since there is an existing need for the service.

Conclusion of Law

The proposed operations are required by public convenience and necessity and 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 Ausmus Trucking, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points and over the routes 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

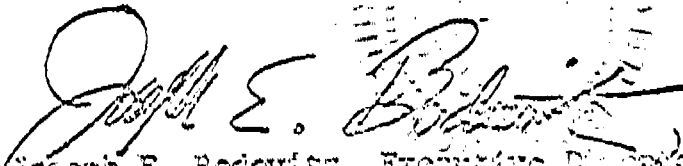
collect-on-delivery shipments, it
shall file the tariff provisions
required by that General Order.

This order is effective today.

Dated DEC 1 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

Ausmus Trucking, 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. Articles of extraordinary value.
8. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
9. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
10. 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.
11. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.
12. Loaded containers or trailers loaded with containers which are to be interchanged with any rail, **water**, or motor carrier.

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)

Issued by California Public Utilities Commission.

Decision 82 12 031, Application 82-07-09.