

Decision S3 01 065 JAN 19 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 William E. Manning, An individual)
 doing business as HORNUNG'S TRUCKING)
 SERVICE, for a certificate of public)
 convenience and necessity to operate)
 as a statewide highway common carrier)
 for the transportation of general)
 commodities, with certain exceptions,)
 in intrastate commerce between points)
 in California.)

Application 82-10-25
 (Filed October 13, 1982;
 amended December 13, 1982)

O P I N I O N

William E. Manning (applicant), an individual doing business as Hornung's Trucking Service, seeks a certificate of public convenience and necessity to operate as a highway common carrier of general commodities between points in the following counties:

Alameda	San Mateo
Contra Costa	Santa Clara
Marin	Santa Cruz
Monterey	Sacramento
Napa	Solano
San Francisco	San Joaquin

Applicant has operated as a highway permit carrier since 1968. Applicant holds a certificate to operate as a highway common carrier between points in San Francisco Territory under Decision (D.) 86027 dated June 29, 1976 in Application 56140. On July 20, 1976, the Interstate Commerce Commission granted applicant Certificate of Registration No. MC-121792 for operations in interstate and foreign commerce within San Francisco Territory.

In the event the application is granted, applicant will establish rates substantially in conformity with its present rates and those set forth in Transition Tariffs.

Applicant owns and operates four tractors, five full trailers, and six pickup and delivery vehicles.

Applicant's balance sheet filed as Exhibit 3 to the application shows a net worth of \$75,977 as of June 30, 1982. Attached to the amendment to the application is a projected profit and loss statement for a period of 90 days showing that a net profit of \$22,291 is expected. The amendment also contains support statements from three present shippers that intend to use applicant's services within the area proposed to be served.

Notice of the filing of the application and the amendment appeared on the Commission's Daily Transportation Calendar. No objection to the granting of the application has been received.

Findings of Fact

1. Applicant presently holds authority to operate as a permit carrier and as a highway common carrier within the San Francisco Territory.
2. Applicant seeks to expand his highway common carrier service to the 12 counties described above.
3. Applicant does not seek authority to operate in interstate and foreign commerce within the proposed certificated area.
4. Applicant possesses 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 authority be granted.
7. A public hearing is not necessary.
8. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
9. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The application should be granted to the following extent.
2. To avoid duplicate authorities, the certificate granted here should exclude operations conducted between points and places authorized by D.86027. One of the counties sought in this application (San Francisco) is authorized in its totality by D.86027 and therefore will not be authorized here.
3. As there is no opposition to this application and as applicant desires to begin operations immediately, this order should become effective on the date of issuance.

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 William E. Manning, an individual, authorizing him to operate as a highway common carrier, as defined in Public Utilities 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, 123, 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.

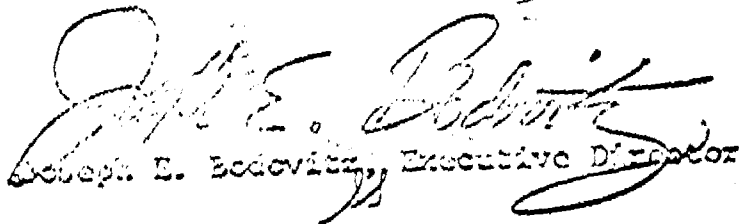
This order is effective today.

Dated JAN 19 1985, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
PRISCILLA C. GREW
DONALD VIAL
Commissioners

Commissioner Victor Calvo,
being necessarily absent, did
not participate

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


Joseph E. Bodovitz, Executive Director

WILLIAM E. MANNING
(an individual)
doing business as
HORNUNG'S TRUCKING SERVICE

William E. Manning, 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 Counties of Alameda, Contra Costa, Marin, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz, Sacramento, Solano, and San Joaquin (except those points and places carrier is presently authorized to serve under certificated authority granted by Decision 86027):

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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/ALJ/jt

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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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.

(END OF APPENDIX A)

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