

Decision 83 02 025 FEB 2 - 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of COMBINED TRANSPORT, INC.,
for a Certificate of Public
Convenience and Necessity
Authorizing Operations as a
Highway Common Carrier.

Application 82-10-06
(Filed October 4, 1982;
amended December 2, 1982)

O P I N I O N

Applicant Combined Transport, Inc. (Combined), an Oregon corporation authorized to conduct business in California, requests a certificate of public convenience and necessity to operate as a highway common carrier transporting general commodities, with the usual exceptions, between points in California. Statements of Guardian Industries Corp. and PPG Industries, Inc. in support of the requested authority were filed with the application. Notice of the filing of the application and its amendment appeared in the Commission's Daily Transportation Calendars of October 7, 1982 and December 8, 1982, respectively. No protests to the application have been received.

The application shows that Combined currently operates in California intrastate commerce under a highway contract carrier permit (File T-138,570) authorizing the transportation of general commodities statewide. It also operates in interstate commerce between points in the western United States under Interstate Commerce Commission authority. It operates 25 units of equipment in its total service (intrastate and interstate). In the proposed intrastate operation, four of the units to be operated will be provided by owner-operators, each of whom holds operating authority from this

Commission. Should the services of additional owner-operators be required, Combined states that only units operated by subhaulers holding operating authority from this Commission will be used. For the 12 months ending May 31, 1982, Combined had a gross income of \$1,215,355 and a net profit before taxes of \$4,619. As of May 31, 1982 it had a net worth of \$58,913.

Combined states that operations will be conducted daily, Monday through Friday, and upon request on Saturdays. Time in transit will be the same day or overnight, depending upon the time of day requests for service are received. It intends to assess rates on the same level as Transition Tariff 2 or other applicable minimum rate or transition tariffs. Tariffs containing such rates, rules, and regulations will be filed upon receipt of the requested authority.

The application shows that the supporting shippers, as well as other shippers who use Combined services on an interstate basis, have California intrastate traffic and desire to use Combined's service within the State. Numerous shipments have been handled under Combined's contract carrier permit, but it has become burdensome for Combined to comply with the Commission's contract filing requirements. Combined states that it filed this application so that it might serve the public at large without being required to file separate contracts for each shipper. The requested authority will also permit Combined to operate more economically where it transports a shipment from the Pacific Northwest to southern California without a prearranged return movement. In the past, Combined had to turn down many return loads moving to northern California because it had no highway common carrier authority and had to deadhead to its home terminal in Central Point, Oregon. With the requested authority it will be able to accept loads offered to it and return with a pay load at least part way to its home terminal.

Discussion

Exhibit G attached to the application indicates that a major portion of Combined's operation is conducted by owner-operators. Combined filed an amendment to the application on December 2, 1982, which provides that only authorized California subhaulers would be used in the proposed intrastate operation. Combined states it will comply with the Commission's General Order Series 102 in the movement of California intrastate traffic.

Findings of Fact

1. Combined requests a highway common carrier certificate authorizing it to transport general commodities, with the usual exceptions, between points in California.
2. Combined currently operates as a highway contract carrier and as an interstate motor carrier in the western portion of the United States.
3. Combined will operate approximately 8 units of equipment in the proposed operation.
4. As of May 31, 1982 Combined had a net worth of \$58,913 and for the 12 months ending on that date it had a gross operating revenue of \$1,215,355.
5. The application is supported by Guardian Industries Corp. and PPG Industries, Inc.
6. Numerous shippers have asked Combined to perform California intrastate service for them but Combined has been unable to do so because its highway contract carrier authority does not permit it to serve the public at large.
7. Under the requested authority Combined will be able to operate in its combined operations more economically.
8. Public convenience and necessity require the granting of the application.
9. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

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

11. A public hearing is not necessary.

Conclusion of Law

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 Combined Transport, Inc., an Oregon 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, 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, it shall file the tariff provisions required by that General Order.
- g. Comply with General Order Series 102 if applicant engages subhaulers to perform any of the transportation authorized.

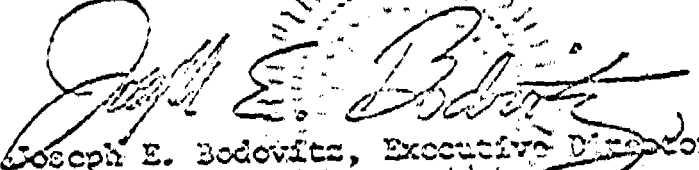
This order becomes effective 30 days from today.

Dated FEF 2 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director

Combined Transport, 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 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.

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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. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. 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.
14. 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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