

Decision 83 02 048 FEB 16 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HARRY MC KENZIE)
TRUCKING CO., by its consultant,)
James C. Olsson, to remove from)
its certificate the authority to)
transport GRAIN, and certain)
other commodities as described)
herein.)

Application 82-01-43
(Filed January 21, 1982)

O P I N I O N

Harry McKenzie Trucking Company, a California corporation, holds a Public Utilities (PU) Code § 1063 highway common carrier certificate authorizing it to transport, among other commodities, grain and raisins. It also holds a highway contract carrier permit and an agricultural carrier permit. (Its § 1063.5 certificate is not involved in this proceeding.) It no longer desires to transport grain and raisins as a highway common carrier and seeks cancellation of the portion of its certificate which authorizes such service. It proposes to serve the public under its agricultural carrier and highway contract carrier permits.

The application contends that transporting grain and raisins requires specialized services and that such services are more appropriately provided by a permitted carrier. In applicant's opinion there is a possible conflict between what it is authorized to do as a permit carrier and its obligations as a common carrier of those two commodities.

The notice of the filing of this application appeared on the Commission's Daily Calendar of January 25, 1982. There are no protests or requests for public hearing.

We note that certain commodity descriptions contained in Appendix A of Decision (D.) 74369 dated July 9, 1968, which is the certificate being amended, contain references to Western Classification No. 75, Cal. PUC No. 8. This publication has been superseded by the National Motor Freight Classification which is now standard in the trucking industry.

Findings of Fact

1. Applicant plans to transport grain and raisins in a specialized manner other than as a common carrier.
2. It would not be adverse to the public interest to allow applicant to transport grain and raisins as a permit carrier only.
3. A public hearing is not necessary.
4. The order should become effective on date of issuance as the authority sought is in the public interest and there are no protests.
5. References in Appendix A of D.74369 to Western Classification No. 75, Cal. PUC No. 8 are obsolete and should be superseded by references to National Motor Freight Classification No. 100-I, Cal. PUC No. 20.

Conclusion of Law

Applicant's certificate should be amended to rescind its authority to transport grain and raisins.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision 74369 is amended by replacing Third Revised Page 1 with Fourth Revised Page 1, attached.

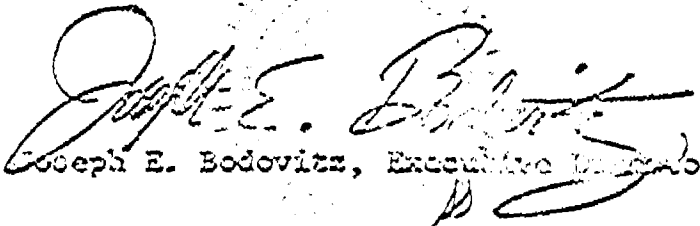
2. Within 15 days after the effective date of this order, and upon 5 days' notice to the Commission and the public, Harry McKenzie Trucking Company shall amend its tariffs on file with the Commission to reflect the authority granted in Ordering Paragraph 1.

This order is effective today.

Dated FEB 16 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

Appendix A HARRY MCKENZIE TRUCKING COMPANY Fourth Revised Page 1
(D.74369) (a California corporation) Cancels
Third Revised Page 1

Harry McKenzie Trucking Company, 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:

- *1. CHEMICALS, as listed under that heading in *Items Nos. 42600 through 47430 of National Motor Freight Classification No. 100-I, Cal. P.U.C. No. 20, James C. Harkins, Issuing Officer, on the issue date thereof, and supplements to or reissues thereof.
- *2. PETROLEUM OR PETROLEUM PRODUCTS, IN PACKAGES, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, as listed under that heading in *Items 155100 through 155360 of National Motor Freight Classification No. 100-I, Cal. P.U.C. No. 20, James C. Harkins, Issuing Officer, on the issue date thereof, and supplements to or reissues thereof.
- *3. MISCELLANEOUS COMMODITIES, VIZ.:
 - Bags and bagging, cotton paper, burlap, grunny, ixtle (istle), jute, or sisal
 - Brandy,
 - Cans and covers, sheet iron or steel, only when transported in mixed, shipments with any commodity or commodities herein set forth.
 - Coffee
 - Drums, empty shipping, iron or steel, fibreboard or pulpboard
 - Flax fibre
 - Flaxseed
 - Pipe, iron or steel
 - Ties, baling, iron or steel
 - Wire, iron or steel
 - Wine

Issued by California Public Utilities Commission.

*Amended by Decision 83 CZ 048, Application 82-01-43.