

Decision 83-03 C14 MAR 2 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of PUROLATOR COURIER CORP., a New )  
York corporation, for an order )  
from the Commission exempting )  
applicant, by name, from the )  
provisions of Minimum Rate )  
Tariffs 1-B, 2, 9-B, and 19 when )  
engaging in the specialized )  
transportation of (1) computer )  
parts or parts directly related to )  
the computer industry, NES, )  
(2) parts of electronic machines )  
which depend solely upon )  
electricity for their use, (3) )  
electronic parts, NES, electronic )  
tapes, electronic machines and )  
parts thereof, (4) automobile )  
parts for internal combustion )  
engines, aircraft parts, aircraft )  
guidance systems parts. )

Application 59355  
(Filed December 26, 1979;  
amended September 10, 1980)

Silver, Rosen, Fischer & Stecher, by Martin J. Rosen and Ellis Ross Anderson, Attorneys at Law, for Purolator Courier Corp., applicant.  
Wyman C. Knapp, Attorney at Law, for Pacific Messenger Service; William R. Haerle, Attorney at Law, for California Trucking Association; Christopher Irvin, Attorney at Law, for Armored Transport, Inc., United Couriers, Inc., Valley Armored Transport, Inc., and California Inter-City Armored Car Service, Inc.; Alvin Hutson, Jr., for Auto Purchasing Agency; and Jack R. Fitzwater, for Econo-Line Express, Inc.; protestants.  
Joseph Branan, for the Commission staff.

ORDER OF DISMISSAL

By this application Purolator Courier Corp. (Purolator) requested that the Commission exempt from rate regulation the specialized transportation of "parts". After the submission of the proceeding, Purolator requested that the application be dismissed.

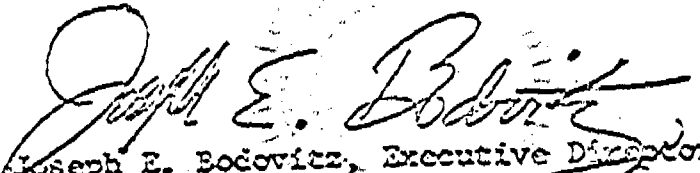
IT IS ORDERED that Application 59355 is dismissed.

This order is effective today.

Dated MAR 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. Bođovitz, Executive Director

83 03 015

MAR 2 1983

Decision

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of COWABUNGA CRANES, INC. for a )  
Certificate of Public Convenience )  
and Necessity Authorizing )  
Operations as a Highway Common )  
Carrier. )

Application 82-05-62  
(Filed May 26, 1982;  
amended July 6, 1982  
and October 22, 1982)

O P I N I O N

Applicant Cowabunga Cranes, Inc., a California corporation, requests a certificate of public convenience and necessity to operate as a highway common carrier of general commodities, in intrastate commerce only, with the usual exceptions, between all points in the State of California. Notice of the filing of the application and the amendment filed October 22, appeared on the Commission's Daily Calendars of May 28, and October 26, 1982, respectively. The amendment filed July 6, 1982, wherein applicant requested a waiver of Rule 21(f) of the Commission's Rules of Practice and Procedure inadvertently was not noticed on the Commission's Daily Calendar. Copies of the application and the amendments were served on the California Trucking Association. Copies of the application were served upon several large highway common carriers. No protests have been received.

Applicant conducts operations as a highway contract carrier under File T-137,625 transporting general commodities, throughout California. Applicant also operates as a heavy-specialized carrier, statewide.

Applicant alleges that public convenience and necessity require the proposed service for the following reasons:

"Applicant has substantial experience with the California oilfield industry and is intimately familiar with the transportation requirements of this segment of the market place. Applicant was formed to accommodate the specialized and diverse transportation requirements of shippers in the oilfield industry.

"Applicant has specialized in the cleaning of active oil wells for some time. Special cranes and tools are required to accomplish this highly technical task. Often times, in the course of performing the well cleaning function, applicant was requested to perform various transportation services which require intrastate operating authority from the Public Utilities Commission. As applicant has not held authority, it has been forced to retain other authorized motor carriers to handle these movements. Moreover, in some cases applicant has been forced to inform its clients that they should obtain transportation from other sources.

"Due to the numerous requests received for transportation, applicant has now decided to apply for authority and render the intrastate service which is obviously

required by the shipping public. Applicant's ability to provide authorized transportation in conjunction with the oil well cleaning operation will allow a more coordinated service which will be both more efficient and economical to the oil industry.

"In order to accommodate the specialized requirements of its shippers, applicant recently purchased a tractor which has attached to it an R & O Crane, Model 110, with lifting capacity of 22,500 pounds. This crane extends out 60 feet from the tractor and will be utilized to load and off-load heavy and cumbersome shipments. Applicant also purchased a 40-foot flatbed semitrailer which will be pulled by the tractor and utilized to transport various oilfield items. For instance, applicant recently transported a large tank for Conoco Oil Company and utilized its new tractor-crane unit and flatbed trailer to load, off-load and transport this highly cumbersome unit.

"Applicant also operates several 35-foot semi-trailers, 8 flat-rack bobtails and several pickup trucks. All of these units are available for the movement of intrastate freight throughout the state of California for the numerous oilfield enterprises operating within California.

"Applicant is committed toward the establishment of a successful and thriving California intrastate motor carrier operation. Although this business was initially conceived in order to accommodate the current well cleaning business, the plan is now to establish the transportation segment of our business as a separate, on-going concern for the benefit of our various clients. With this in mind, applicant will transport numerous products throughout

the state for our oil company clients. Moreover, we currently plan to purchase additional operating equipment, some of which will be the type of highly specialized equipment described above.

"Few motor carriers have the ability to provide oil companies with the special tractor/crane equipment that applicant now operates. Our units were purchased at a cost of \$107,000, and the Public Utilities Commission should recognize that this substantial investment severely limits the number of motor carriers that are willing to enter into this area of transportation. The Commission should also recognize that the oil companies have a definite need for this type of service and absolutely require the proposed operation of applicant.

"Applicant will commence its business from its southern California location. Services will be concentrated in the southern California oil industry area. In addition, transportation will be performed to and from points in northern California which might include oil industry supply points and lesser known oil fields.

"In light of the above-described plan, the issue has been raised as to whether the contract type authority applicant possesses is proper or adequate for the character of service it will offer the public. Under the circumstances, the applicant believes that it must, out of necessity, apply for a Certificate of Public Convenience and Necessity so as to be able to perpetuate its own operation in a manner that will benefit the shipping public and be consistent with the rules and regulations of the Commission. And, as it is reasonable to anticipate that the business will expand in the future, it is necessary to apply for and obtain this authority to enjoy orderly growth."

The amendment filed October 22, 1982 contains statements from 7 shippers supporting the application.

The application states that:

"The proposed transportation will be daily, Monday through Friday, and will be furnished on Saturday, upon request. Time in transit for the service will be the same day and overnight, depending upon the time of day the request for service is received. The rates to be assessed will be, generally, on the same level as those contained in the Commission's transition tariff, and other applicable rate and transition tariffs. Tariffs containing such rates, rules and regulations will be filed upon receipt of the authority sought herein."

Exhibit D attached to the application contains a balance sheet as of March 23, 1982 which discloses assets totaling \$116,521 offset by liabilities of \$95,868 with a resultant net worth of \$20,653. It also contains a projected profit and loss statement for a period of 90 days which projects revenues of \$46,547; expenses of \$41,073; and a resultant net profit of \$5,474.

Applicant has the following equipment: 8 well-servicing units, 9 tool trucks, 13 pickup trucks, 1 welding truck, 1 crane tractor, 1 40-foot flatbed trailer and 2 35-foot van trailers.

The amendment filed October 22, 1982 states in Paragraph II that applicant has changed its corporate name and that the new and correct name is Kowabunga Cranes, Inc.

Findings of Fact

1. Applicant requests authority to operate as a highway common carrier for the transportation of general commodities between all points in California.

2. Applicant currently operates as a highway contract carrier and as a heavy-specialized carrier transporting general commodities between all points in California.

3. Applicant possesses the experience and equipment necessary to conduct the proposed service.

4. Applicant is financially able to conduct the proposed service.

5. Public convenience and necessity require that the requested authority be granted.

6. Applicant's new and correct name is Kowabunga Cranes, Inc.

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.

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 Kowabunga Cranes, Inc., a California 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.

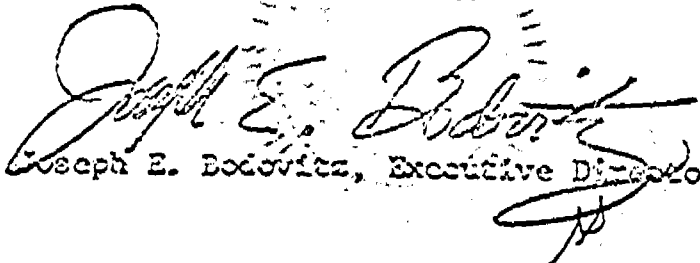
This order becomes effective 30 days from today.

Dated MAR 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

Kowabunga Cranes, 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 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.
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.

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8. Articles of extraordinary value.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
10. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
11. 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.
12. 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)

Issued by California Public Utilities Commission.

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