

Decision 83 04 035 APR 6 1983

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of CHILDS & SUAREZ, INC., a )  
California corporation, doing )  
business as V.I.P. TRUCKING & )  
WAREHOUSE, for a certificate of )  
Public Convenience and Necessity )  
to operate as a Highway Common )  
Carrier for the transportation of )  
property in intrastate commerce. )

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Application 82-10-12  
(Filed October 6, 1982)

O P I N I O N

Childs & Suarez, Inc. (applicant), doing business as V.I.P. Trucking & Warehouse, is a California corporation doing business in Cerritos, California. Applicant seeks a certificate of public convenience and necessity under Public Utilities (PU) Code § 1063 authorizing it to transport general commodities with the usual exceptions. Applicant's service territory is to include all points in the State of California in and south of San Luis Obispo, Kern, and San Bernardino Counties. The service will be on-call Monday through Friday except holidays. Applicant proposes to render all overnight service. It will become a party to Western Motor Tariff Bureau, Inc. tariff publications.

Applicant claims to have the financial ability to render the service proposed. Its total assets, including a flat-bed truck and a stake truck, amount to slightly over \$65,000. Its capital stock amounts to \$5,000. Applicant notes that its two stockholders are currently operating as a highway contract carrier partnership

under File T-131,402 and are experienced in the field of motor truck transportation. It is asserted that their operation is fast approaching that of a common carrier and that a certificate is now needed. Applicant alleges that there is a lack of adequate highway common carrier transportation between all the points served. It claims to have an unspecified number of requests for service from an undisclosed number of shippers who desire service but are unwilling to enter into written contracts. Once common carrier authority is granted applicant does not anticipate that the stockholders will engage in highway contract carriage.

Notice of the application appeared in the Commission's Daily Transportation Calendar of October 12, 1982. No protests have been received.

Findings of Fact

1. Applicant possesses satisfactory fitness and financial responsibility to conduct the proposed transportation services.
2. Public convenience and necessity require the service proposed by applicant.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

Applicant has demonstrated public convenience and necessity, and the application should be granted. A public hearing is not necessary.

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 Childs & Suarez, Inc., a California 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, 123, and 147, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

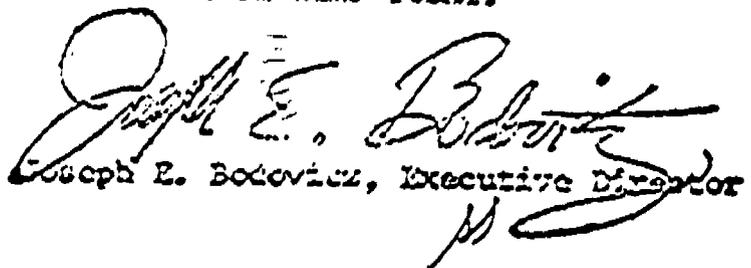
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariff provisions required by that General Order.

This order becomes effective 30 days from today.

Dated APR 6 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. Bolovick, Executive Director

CHILDS & SUAREZ, INC.  
(a California corporation)  
doing business as  
V.I.P. TRUCKING & WAREHOUSE

Childs & Suarez, 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 south of the northern boundaries of the Counties of San Luis Obispo, Kern, and San Bernardino.

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 public streets, roads, highways, and bridges necessary or convenient for the performance of this service.

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