

Decision 83 05 074 MAY 18 1983

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )	
of NATIONAL FREIGHT LINES, INC., )	
an Indiana Corporation, for a )	Application 82-11-59
Certificate of Public Convenience )	(Filed November 26, 1982)
and Necessity to operate as a )	
highway common carrier for the )	
transportation of property. )	

O P I N I O N

National Freight Lines, Inc. (applicant) has applied for a certificate of public convenience and necessity under Public Utilities (PU) Code § 1063, authorizing it to transport general commodities with the usual exceptions, between all points in the State of California.

Applicant is an Indiana corporation with a Certificate of Qualification to do business in California attached to the application, along with a certified copy of its Articles of Incorporation, which have not been amended or revoked.

The service will be "on call" Monday through Friday, and Saturdays by special arrangement, with Sundays and holidays excluded. Service will be overnight and applicant will become a party to all of the necessary Western Motor Tariff Bureau, Inc. tariff publications required to publish all rates on the items to be transported.

Applicant operates 52 power units and 54 trailers. Its balance sheet lists \$600,000 in assets and \$212,000 in current liabilities. It is alleged that the following conditions have prompted the filing of this application:

1. Applicant presently serves many shippers and receivers in the State, including the United States Government, Lincoln Electric Company, FMC Corporation, Dow Chemical Corporation, McKesson Chemical Company, Agfa-Gevaert, Inc., SCS Industries, Inc., and others.
2. Applicant will be able to combine intrastate and interstate shipments if the new authority is granted. This will eliminate deadheading and provide better service for shippers.
3. Applicant's president has been in the trucking business for many years and applicant has had an office in California since 1976.
4. A grant of this application will favor the environment by improving applicant's fuel efficiency and increasing the loads its trucks will be transporting.

It is noted that the List of Equipment filed as Exhibit E of the application includes a number of units licensed in states other than California. In view of this circumstance, applicant is placed on notice that only owner-operators holding valid certificated or permitted authority may be employed as subhaulers in any California intrastate operation engaged in by applicant.

There are letters from three shippers in the formal file of this application stating that they intend to use applicant's services.

Notice of the filing of this application was published in the Commission's Daily Calendar on December 6, 1982, and no protests have been received.

Findings of Fact

1. A public hearing is not necessary.
2. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
3. Public convenience and necessity require the proposed operation
4. 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 as set forth in the ensuing order.

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 National Freight Lines, Inc., a 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.

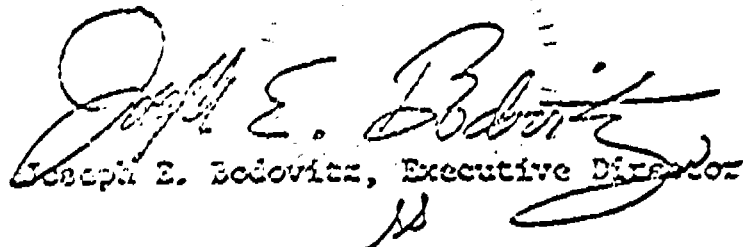
This order becomes effective 30 days from today.

Dated MAY 18 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
FRANCESCA C. GREW  
DONALD VIAL  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director

National Freight Lines, 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 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. 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.

(END OF APPENDIX A)

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