

ORIGINAL

Decision 83 05 073 MAY 18 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of FOX AIR EXPRESS, a corporation,)	
for a certificate of public con-)	
venience and necessity to operate)	Application 82-11-53
as a highway common carrier for)	(Filed November 24, 1982)
the transportation of general)	
commodities, with certain excep-)	
tions, between points in California.)	

O P I N I O N

Fox Air Express (applicant), a California corporation, is authorized to operate under its general commodity highway contract carrier permit, T-139441.^{1/}

Applicant seeks a certificate of public convenience and necessity under Public Utilities (PU) Code Section 1063, et seq., authorizing it to transport general commodities, with the usual exceptions, between all points in the State of California. Applicant proposes to transport commodities requiring the use of special refrigeration or temperature-controlled equipment. It will offer to deliver shipments between any two points in the state on the date of pickup or on the morning of the following day. The service will be offered Monday through Friday, inclusive, and on Saturday upon request.

^{1/} Ralph D. Fox, an individual, operated under a general commodity highway contract carrier permit (T-129645). The Commission authorized the transfer of Fox's authority to applicant on November 18, 1982. The first paragraph of the application designates Fox Air Express, Inc. as applicant. Applicant's unamended articles of incorporation were filed under the name Fox Air Express.

Process
TD A-13

The application states as follows:

1. Since December 20, 1979, applicant and its predecessor have operated as highway contract carriers of general commodities between all points in California. Fox is applicant's chief executive officer. He is familiar with the needs and requirements of California shippers, consignors, and consignees.
2. Many shippers asked Fox to transport general commodities, with the usual exceptions, between all points and places in California. Applicant is receiving similar requests. In order to satisfy such requests, applicant needs and requests the authority it seeks here.
3. Exhibit 2 to the application contains applicant's equipment list. If the application is granted, applicant intends to purchase or lease any additional equipment needed to satisfy the requirements of its shippers and to use subhauliers if needed.
4. Granting the proposed certificate would
 - (a) have no significant effect on the quality of the human environment and
 - (b) not involve action which would significantly affect energy efficiency.

As of August 31, 1982, applicant had assets of \$68,511, liabilities of \$49,901, and shareholder's equity of \$18,610. For the eight months ending August 31, 1982 applicant's net profit was \$17,100. Its net profit for the year ending September 30, 1981 was \$11,517.

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

The application was listed in the Daily Transportation Calendar on December 3, 1982. No protests were received. We believe that the application should be granted without hearing.

Findings of Fact

1. Applicant holds statewide general commodity highway contract carrier permit authority.
2. Applicant seeks a statewide general commodity highway common carrier certificate of public convenience and necessity, with the usual exceptions. It proposes to transport commodities requiring the use of special refrigeration or temperature-controlled equipment.
3. Applicant has the experience, ability, and financial fitness to provide the proposed service.
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.
5. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusions of Law

1. Public convenience and necessity require the proposed operation.
2. A public hearing is not necessary.
3. Since there is a need for the requested service, the effective date of the order should be today.

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 Fox Air Express, a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 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.

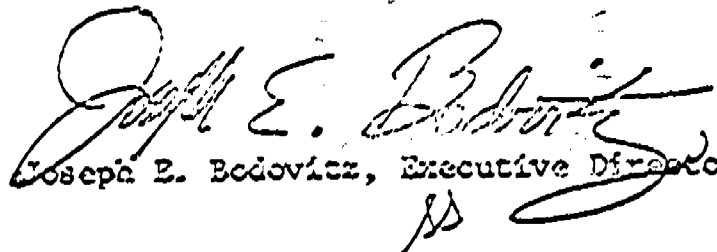
This order is effective today.

Dated MAY 18 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. Bodovick, Executive Director

Fox Air Express, 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 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.

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