

ORIGINAL

Decision 83 05 108 MAY 18 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Cleveland Services, Incorporated, a)
California Corporation, dba Brent)
Scott Trucking, for a Certificate)
of Public Convenience and Necessity)
to operate as a highway common)
carrier for the transportation of)
property pursuant to Section)
1063-1064 of the California Public)
Utilities Code.)

Application 82-12-52
(Filed December 20, 1982)

O P I N I O N

Cleveland Services Incorporated (applicant), dba Brent Scott Trucking, is a corporation; its principal place of business is located in Bakersfield. It holds highway contract carrier and heavy-specialized carrier authority (T-136,430). It seeks authority as a highway common carrier under Public Utilities (PU) Code § 1063, to transport general commodities, with the usual exceptions, throughout the State of California except shipments whose origin and destination are both located within the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont, within San Diego County, or within the City and County of San Francisco. It proposes to establish through routes and rates between any and all served points; it will not establish through routes or joint rates with connecting carriers. The proposed transportation will be on call and will offer daily or overnight service. Applicant intends to participate in various bureau tariffs.

The application includes a statement which shows that applicant had a net income of \$195,000 after taxes from January 1, 1982 through September 30 1982 on a gross revenue of approximately \$3.5 million dollars. Its balance sheet shows cash in excess of \$185,000, a certificate of deposit of \$100,000, and accounts

receivable in excess of \$500,000. Its liabilities are slightly less than \$300,000. Its capital is composed of approximately \$95,000 of unearned income, \$559,000 of long-term debt, \$60,000 of capital stock, and retained earnings of \$821,000. In addition to a substantial amount of oil well drilling equipment, its assets include five tractors and 17 trailers.

It is alleged that applicant has received requests from shippers who would like to use its services in the transportation of general commodities, especially those used in oil well drilling operations. Applicant claims that there has been a steady increase in oil exploration activity in California, particularly in Kern County. This expansion has increased the number of potential shippers who might be expected to require applicant's service. Drilling activity is sporadic. Applicant proposes to use its new authority whenever there is slack in demand for its specialized services to drillers. Furthermore, it often has opportunities to transport backhauls. However, it is uncertain as to whether it can now accept such transportation as a contract carrier.

It is further alleged that applicant's existing shippers do not wish to sign contracts. These shippers are willing to use applicant's service only if he does not require them to sign such documents.

Applicant's proposed service territory will include all of the State except that it will not transport shipments having both origin and destination within San Diego County, San Francisco, and certain other named Bay Area cities.

A copy of this application was served on California Trucking Association and the Highway Carriers' Association. Notice of the filing appeared in the Commission's Transportation Calendar on December 24, 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.
5. A public hearing is not necessary.

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 Cleveland Services, Incorporated, 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.

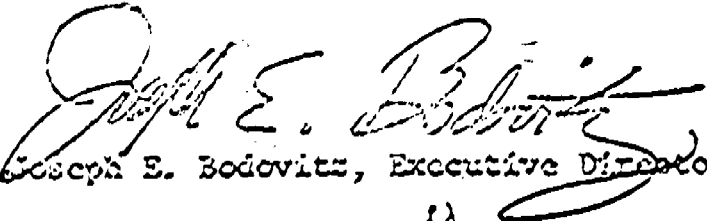
- d. Comply with General Orders Series 80, 100, 123, and 147, and the applicable California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not 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
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director

Cleveland Services Incorporated, 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:

- (a) Shipments whose origin and destination are both located within the territory comprised of the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont.
- (b) Shipments whose origin and destination are both located in San Diego County.
- (c) Shipments whose origin and destination are both located within the City and County of San Francisco.

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.

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CLEVELAND SERVICES INCORPORATED
(a California corporation)
doing business as
BRENT SCOTT TRUCKING

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.
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.

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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.
14. Commodities and geographic areas exempt from rate regulation and described in Commission publication "Commodities and Geographic Areas Exempt from Rate Regulation" or successive reissues thereof.

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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