

ORIGINAL

Decision 83 CG 017 JUN 1 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOE HARTSELL, dba HARTSELL TRUCKING)
Pursuant to Section 1063 of the)
Public Utilities Code, for a certif-)
icate of public convenience and)
necessity to operate as a highway)
common carrier.)

Application 83-01-19
(Filed January 13, 1983)

O P I N I O N

Applicant is a California resident, operating his trucking business out of Redding, California. He currently transports general commodities between all points in California under the authority of Highway Contract Carrier Permit T-134,906. This application requests that authority be issued to transport general commodities as a highway common carrier, in both intrastate and interstate commerce, between all points in the Counties of Butte, Colusa, Glenn, Lassen, Modoc, Plumas, Sacramento, Shasta, Siskiyou, Tehama, Trinity and Yolo.

Applicant will provide an on-call service, seven days a week, charge rates competitive with other motor carriers, and establish through rates and routes between all points in California. Applicant operates four two-axle tractors and two bobtail trucks in addition to various trailers and other equipment. If needed additional vehicles will be leased or purchased. Applicant's terminal includes 6,000 sq. ft. of storage, and facilities for maintenance, dispatchers, and office personnel. Applicant's September 30, 1982 balance sheet shows assets of \$268,000, current liabilities of \$25,000, and a net income of \$24,000 for the nine months prior to September 30, 1982.

It is alleged that applicant has more than 20 years' experience as a provider of motor carrier service. Applicant's trucks are frequently empty while returning after a delivery, or on routes where applicant has no one under contract. If the requested authority is granted, service can be provided to all who need the service. ✓

A copy of the application has been filed with the Interstate Commerce Commission under 49 U.S.C.A. § 10931 and notice thereof appeared in the Federal Register on February 2, 1983. Notice of the filing of the application was also published in the Commission's Daily Calendar on January 17, 1983. There have been no protests or requests for hearing.

Applicant has submitted letters from two substantial shippers who state they support the application and will use applicant's service in the new areas it is authorized to serve.

Findings of Fact

1. Applicant possesses the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.

2. Public convenience and necessity require that applicant be authorized to engage in intrastate commerce and in interstate and foreign commerce within the scope of intrastate operations authorized by this decision.

3. A public hearing is not necessary.

4. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

5. 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

Applicant has demonstrated public convenience and necessity, and the application should be granted.

The territory of the certificate does not exceed the geographical scope of the proposed operation as published in the Federal Register.

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 Joseph Charles Hartsell, authorizing him 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 his 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 20, 100, 123, and 147, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

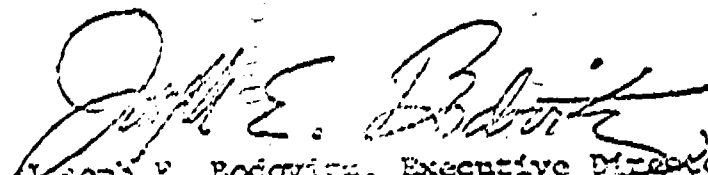
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, he shall file the tariff provisions required by that General Order.

This order becomes effective 30 days from today.

Dated JUN 1 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

Joseph Charles Hartsell, 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 Counties of Butte, Colusa, Glenn, Lassen, Modoc, Plumas, Sacramento, Shasta, Siskiyou, Tehama, Trinity, and Yolo.

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. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
9. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
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 public streets, roads, highways, and bridges necessary or convenient for the performance of this service.

(END OF APPENDIX A)

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