

Decision S3 97 G24 JUL 20 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MARAUDER MARINE)
TRANSPORT, INC. to operate as)
a highway common carrier.)

Application 82-12-39
(Filed December 15, 1982)

INTERIM OPINION

Marauder Marine Transport, Inc. (applicant), a California corporation, applies under Public Utilities (PU) Code § 1063 for a certificate of public convenience and necessity as a highway common carrier. It presently operates in several western states under Interstate Commerce Commission authority issued in Docket MC-145442.

Applicant has \$250,000 in assets. The principal asset is its motor equipment carried at a depreciated value of \$221,000. It has \$6,000 in cash. Its equity amounts to \$45,000.

Applicant does not now operate as a highway common carrier in intrastate commerce. Its interstate authority allows it to transport such commodities as are dealt in by manufacturers and distributors of boats between points in California, on the one hand, and on the other hand, various identified points in the United States. If intrastate authority is granted, applicant will transport only such commodities as are dealt in by manufacturers and distributors of boats between all points in California.

Many California boat manufacturers have shipments of boats which they desire to move to customers located within California as well as to other states. Similarly, retail boat outlets in California need to ship boats and boat accessories from their retail stores and wholesale warehouses to customers located throughout California. Currently, those shippers must rely on permit carriers who transport boats as a sideline to their heavy hauling operations. Applicant, in contrast, specializes in the transportation of boats

and accessories, has equipment specially developed for such transportation, and has enough equipment available to meet shippers' requirements.

Applicant now deadheads equipment since it holds no intrastate authority. If this application is granted, and if it were authorized to backhaul, applicant's operations would become more productive with a consequential reduction in per ton-mile fuel consumption and increased overall efficiency in operation.

Applicant asserts that existing carriers are unwilling to handle such products between all points in California. It claims to have a traffic study to prove that there is a need for the authority sought. It has also discussed its proposal with unnamed shippers.

Applicant will offer pickups and deliveries up to seven times per week from and to manufacturer locations, distributor locations, and ultimate customer locations. It will provide a multiple drop and multiple pickup service to all urban and rural points in the state. It will make timed pickups and deliveries.

If the authority is granted, applicant will use Transition Tariff 2 rates.

Notice of the application was published in the Commission's Daily Transportation Calendar on December 21, 1982. No protests have been received.

Discussion

If the proposed authority is granted, applicant will possibly be this State's sole operator who has explicitly dedicated its common carrier service to the transportation of boats. Boats and boating supplies are an important element of commerce in California. The public who deal in these commodities should have at least one common carrier who has committed itself to supply the public's necessary transportation needs. Therefore, we will not require the

same documentation of shipper support as would be required of a new entrant into a more competitive field, such as transportation of general commodities.

Applicant has not furnished documentation of shipper support for its proposal to transport other commodities on backhauls and during off-peak periods. The certificate issued here accordingly does not authorize such operations as a common carrier. Applicant can, of course, use its vehicles as a subhauler for backhauls and off-peak operations.

The grant of the authority to transport boats and related articles will be made on an interim basis to allow applicant to submit evidence of shipper support for the balance of its request. If, within a reasonable time period, the necessary information is not provided or is inadequate to support a further grant, that portion of the application may be denied.

Findings of Fact

1. Applicant possesses satisfactory fitness and financial responsibility to conduct the proposed transportation services.
2. Public convenience and necessity require the transportation of boats and related items proposed by applicant. Applicant should be afforded a second opportunity to show shipper support for its proposed backhaul and off-peak operation.
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 in part. The remainder of the application requires further support.

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.

INTERIM ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Marauder Marine Transport, Inc., a California corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, for the transportation of boats, boating accessories, and boating supplies 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.
- g. Comply with General Order Series 102 and 130. If applicant elects to engage subhaulers, applicant shall have the

required bond on file, and applicant shall engage only highway carriers who hold appropriate operating authority granted by this Commission.

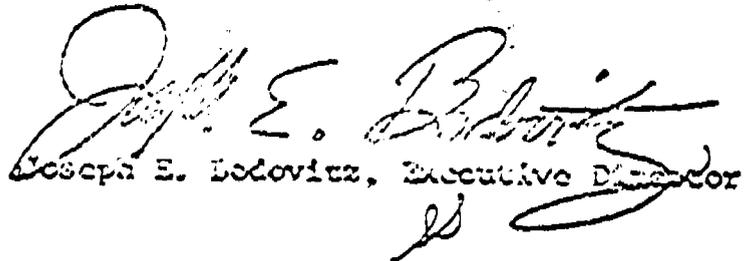
3. Consideration of applicant's proposal to transport other commodities shall be deferred to a further final order. All submissions under this paragraph are due 60 days from the effective date of this order.

This order becomes effective 30 days from today.

Dated JUL 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Dolovitz, Executive Director

Marauder Marine Transport, 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 boats, boating accessories, and boating supplies as follows:

Between all points and places in the State of California.

In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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