

Decision 83 07 040 JUL 20 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
NSD WAREHOUSING & DISTRIBUTION)
SYSTEMS, INC., doing business as NSD)
WAREHOUSING & DISTRIBUTION SYSTEMS,)
a corporation, for a certificate of)
public convenience and necessity to)
operate as a highway common carrier)
for the transportation of general)
commodities, with certain exceptions,)
between points in California.)

Application 83-01-25
(Filed January 17, 1983)

O P I N I O N

NSD Warehousing & Distribution Systems, Inc. (applicant) is a Massachusetts corporation authorized to do business in California. It holds a highway contract carrier permit (T-138,625).

Applicant seeks a highway common carrier certificate to transport general commodities with the usual exceptions, but including goods requiring refrigeration, between all points in the State of California.

It will operate five days a week with Saturday service on request. It will provide same day or overnight service. It will establish rates in conformity with transition tariffs or the tariffs of an established tariff bureau. It operates six tractors and five trailers. Its assets include \$100,000 in cash and \$500,000 in accounts receivable. Total assets are in excess of \$634,000. The principal liabilities are accounts payable to affiliated companies. Applicant's capital accounts include \$500,000 of retained earnings.

Applicant claims that its general manager has 10 years' experience in transportation. It alleges that it has received requests from a number of shippers having shipments of unspecified general commodities between all points and places in the State of California. The allegation is verified under penalty of perjury.

Notice of the application appeared in the Commission's Daily Transportation Calendar of January 22, 1983. 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

Applicant has demonstrated public convenience and necessity, and 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 NSD Warehousing & Distribution Systems, 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 JUL 20 1983, at San Francisco, California.

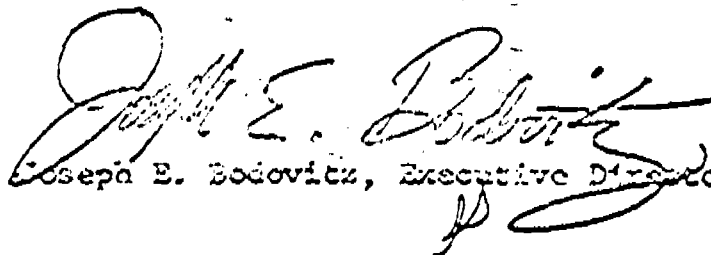
I abstain.

DONALD VIAX, Commissioner

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
FRISCILLA C. CREW
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

Appendix A NSD WAREHOUSING & DISTRIBUTION SYSTEMS, INC.
(a Massachusetts corporation)
doing business as
NSD WAREHOUSING & DISTRIBUTION SYSTEMS

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NSD Warehousing & Distribution Systems, 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 between all points 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. 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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