

ORIGINAL

Decision 83 08 014 AUG 3 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 RAM TRUCKING, INC., to modify
 Decision 82-12-013 to conform to the
 authority sought in the application
 to operate as a highway common
 carrier between all points and places
 in the State of California and to
 eliminate restrictions in the exist-
 ing authority for shipments having a
 minimum weight of 10,000 pounds, or
 billed at no less than charges
 applicable to such a shipment, and
 against the transportation of ocean
 or sea-van containers.

Application 83-04-55
 (Filed April 27, 1983)

O P I N I O N

Ram Trucking, Inc. (Ram), a California corporation, was granted a highway common carrier certificate by Decision (D.) 92464 dated December 2, 1980 in Application (A.) 59379. The certificate authorizes the transportation of general commodities in an area bounded by San Francisco and Red Bluff, on the north, and Salinas and Kingsburg, on the south. The following restrictions are included in the certificate: (1) service is limited to shipments weighing 10,000 pounds (lbs.) or more or for which charges are based on a 10,000-lb. minimum weight and (2) service shall not be provided for commodities moving in ocean or sea-van containers. Ram also holds coextensive interstate authority which includes the same two restrictions.

D.82-12-013 dated December 1, 1982 in A.82-05-55 in conformity with the apparent authority requested granted an additional highway common carrier certificate to Ram authorizing the transportation of general commodities between all places in California it is not authorized to serve under the certificate

granted to it by D.92464. The new certificated authority did not include the 10,000-lb. minimum shipment limitation and the prohibition against shipments in ocean and sea-van containers. However, it did include in the usual exceptions the prohibition against transporting commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. No request was made in the application for additional interstate and foreign commerce authority and Finding 3 of the decision so states.

By this application to modify D.82-12-013, Ram requests that the authority granted by that decision be modified to conform with that requested in A.82-05-55. The application asserts that the intent of A.82-05-55 was to request a statewide general commodities certificate without the restrictions prohibiting shipments under 10,000 lbs. in ocean and sea-van containers, and in refrigeration equipment. It states that one of the primary purposes of filing the application was to eliminate the minimum shipment weight and container restrictions from the certificate granted to Ram by D.92464. It also states that Ram has been transporting shipments in refrigeration equipment under its highway contract carrier authority and desires to continue to do so under the requested statewide certificate. It requests that D.82-12-013 and the certificated authority granted by it be modified accordingly.

The application to modify also points out that as long as a carrier holds intrastate authority at least equal to its certificate of registration with the Interstate Commerce Commission, its resulting interstate and foreign commerce authority is properly supported. The fact that its state certificate may exceed the scope of its certificate of registration is irrelevant.

Upon review of A.82-05-55 and the application now before us, we believe that the requested modification should be granted.

This will in no way be a basis for Ram enlarging the interstate and foreign commerce authority it now holds.

Because of the inadvertent delay that has occurred in granting Ram the statewide authority assertedly requested in A.82-05-55, the following order will be made effective on the date it is signed.

Findings of Fact

1. The requested modification of the highway common carrier certificated authority granted to Ram by D.82-12-013 is reasonable.
2. Ram has a certificate of registration from the Interstate Commerce Commission which authorizes interstate and foreign commerce coextensive with, and subject to the limitations in, the highway common carrier authority granted to it by D.92464.
3. Ram does not request a finding that the requested additional certificated authority is required in interstate and foreign commerce.
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.
6. A public hearing is not necessary.

Conclusions of Law

1. The highway common carrier certificated authority granted to Ram by D.82-12-013 should be modified as set forth in the following order.

2. This certificate will not change the interstate or foreign commerce rights held by applicant.

3. This order should be effective on the date signed because there is an immediate need for the requested authority.

O R D E R

IT IS ORDERED that Appendix A of Decision 82-12-013 is amended by substituting the attached First Revised Pages 1, 2, and 3 in place of Original Pages 1, 2, and 3.

This order is effective today.

Dated AUG 3 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

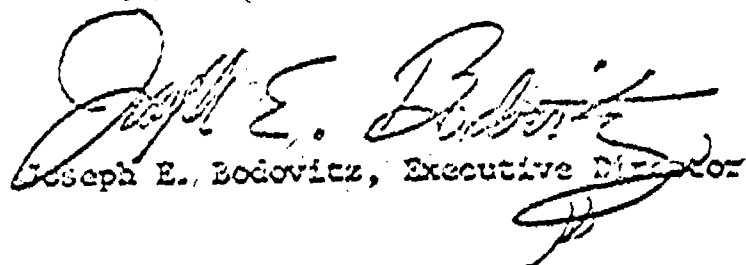
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovitz, Executive Director

Appendix A
(D.82-12-013)

RAM TRUCKING, INC.
(a California corporation)

First Revised Page 1
Cancels
Original Page 1

Ram Trucking, 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 following:

- A. The transportation of general commodities between all points and places in the State of California (except between the points and places which the carrier is presently authorized to serve under certificated authority granted by Decision 92464 dated December 2, 1980 in Application 59379).

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.

Issued by California Public Utilities Commission.

83 08 014

Amended by Decision _____, Application 83-04-55.

Appendix A
(D.82-12-013)

RAM TRUCKING, INC.
(a California corporation)

First Revised Page 2
Cancels
Original Page 2

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.
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.

Issued by California Public Utilities Commission.

Amended by Decision 83 08 014, Application 83-04-55.

Appendix A
(D.82-12-013)

RAM TRUCKING, INC.
(a California corporation)

First Revised Page 3
Cancels
Original Page 3

- B. The transportation of general commodities between the points and places which the carrier is presently authorized to serve under certificated authority granted by Decision 92464 dated December 2, 1980 in Application 59379 except that:

Service shall be limited to shipments having a weight of less than 10,000 pounds, and which are billed at charges less than those applicable to shipments having a minimum weight of 10,000 pounds.

- C. The transportation of commodities moving in ocean or sea-van containers 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.

Issued by California Public Utilities Commission.

83 08 014

Amended by Decision _____, Application 83-04-55.