

Decision 83 08 077 AUG 17 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
Glen M. Rickert, doing business as
Rickert Trucking, for a certificate
of public convenience and necessity
to operate as a highway common carrier
transporting general commodities in
intrastate commerce, pursuant to the
provisions of Sections 1063 and 1064
of the Public Utilities Code.

ORIGINAL

Application 83-04-46
(Filed April 22, 1983)

O P I N I O N

Glen M. Rickert (Rickert), an individual doing business as Rickert Trucking, requests a certificate of public convenience and necessity to operate as a highway common carrier of general commodities, with the usual exceptions, between Sacramento and Los Angeles and between San Francisco and Los Angeles, serving all intermediate points on or within 100 miles of Interstate Highways 5 and 580, and California Highway 99. Notice of the application was published in the Commission's Daily Transportation Calendar of April 26, 1983. No protests to the application have been received.

Rickert currently operates as a highway contract carrier and as a heavy-specialized carrier in intrastate commerce under File T-125,556, and as an interstate contract carrier between points in the United States under contracts with the San Joaquin Refining Co., Inc., of Bakersfield, California, and Georgia-Pacific Corporation of Portland, Oregon (ICC MC-151231). As of March 31, 1983 Rickert's trucking business had a net worth of \$371,000. In the conduct of his business Rickert operates four 3-axle tractors, one 2-axle tractor, four 40-foot flatbed trailers, and two 24-foot trailers. Rickert states that he is presently performing outbound and inbound service between Bakersfield, Los Angeles, and San Francisco for nine contract customers and has the potential to serve an additional ten customers.

Under the requested certificate Rickert intends to provide daily service Monday through Friday with on-call service on the weekends and holidays. He intends to adopt prevailing transition tariff and tariff bureau rates.

The application states that since the Commission instituted the requirement that written contracts be submitted for filing with the Commission, Rickert's contract customers have balked in signing contracts. However, these customers have agreed to use his service on a highway common carrier basis. In order to avoid being put out of business because of his shippers' reluctance to enter into signed contracts, Rickert has filed this application.

Accompanying the application are letters in support of the granting of the requested certificate from David Frye Companies, Inc.; Golden State Building Materials; Knight's Building Material, Inc.; San Joaquin Refining Co., Inc.; Valley Electric; and Pearl Construction Co., all of Bakersfield.

Findings of Fact

1. Rickert requests a certificate of public convenience and necessity to operate as a highway common carrier to engage in the transportation of general commodities, with the usual exceptions, as more particularly set out in the narrative of this decision.
2. Rickert presently conducts operations as a heavy-specialized carrier and as a contract carrier within California and in interstate commerce between points in the United States. ✓
3. Rickert operates 5 tractors and 6 trailers.
4. As of March 31, 1983 Rickert's operation had a net worth of \$371,000.
5. Rickert presently performs inbound and outbound service between Bakersfield, Los Angeles, and San Francisco for nine contract customers and has the potential to serve an additional ten customers.
6. Under the requested certificate service will be performed Monday through Friday on a daily basis and on an on-call basis during the weekends and holidays.

7. Current customers of Rickert are reluctant to enter into written contracts with him and prefer to use his service on a common carrier basis.

8. Six shippers support the granting of the application.

9. Rickert is financially fit to conduct the proposed operation.

10. Public convenience and necessity require the granting of the application.

11. A hearing on the application is unnecessary.

12. 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

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 Glen M. Rickert, an individual, 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 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, he 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.

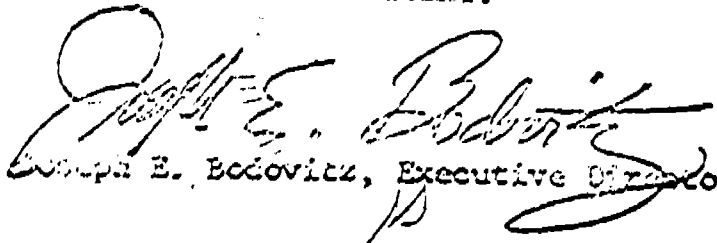
This order becomes effective 30 days from today.

Dated AUG 17 1983, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

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


Joseph E. Bodovitz, Executive Director

Appendix A

GLEN M. RICKERT
(an individual)
doing business as
RICKERT TRUCKING

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Glen M. Rickert, 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 within 100 statute miles of the following routes:

- (a) Between Sacramento and Los Angeles via State Highway 99 to its junction with Interstate Highway 5 at Wheeler Ridge; via Interstate Highway 5 to Los Angeles.
- (b) Between San Francisco and Los Angeles via Interstate Highway 80 to its junction with Interstate Highway 580 in Emeryville; via Interstate Highway 580 to its junction with Interstate Highway 5 near Westley; via Interstate Highway 5 to Los Angeles.

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.

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Appendix A

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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. 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.

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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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Under the requested certificate Rickert intends to provide daily service Monday through Friday with on-call service on the weekends and holidays. He intends to adopt prevailing transition tariff and tariff bureau rates.

The application states that since the Commission instituted the requirement that written contracts be submitted for filing with the Commission, Rickert's contract customers have balked in signing contracts. However, these customers have agreed to use his service on a highway common carrier basis. In order to avoid being put out of business because of his shippers' reluctance to enter into signed contracts, Rickert has filed this application.

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1. Rickert requests a certificate of public convenience and necessity to operate as a highway common carrier to engage in the transportation of general commodities, with the usual exceptions, as more particularly set out in the narrative of this decision.
2. Rickert presently conducts operations as a heavy-specialized carrier and as a contract carrier within California and in interstate commerce between points in the United States.
3. Rickert operates 5 tractors and 6 trailers.
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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 Glen M. Rickert, an individual, authorizing him to operate as a highway common carrier, as defined in PU Code § 213, between the points ~~and over the routes~~ 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