

Decision 83 09 027 SEP 7 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
B. J. J. Company, Inc., for a certifi-
cate of public convenience and
necessity to operate as a highway
common carrier.

Application 83-03-05
(Filed March 1, 1983;
amended June 24, 1983)

O P I N I O N

Applicant has applied for a certificate of public convenience and necessity under Public Utilities (PU) Code § 1063, authorizing it to transport general commodities with the usual exceptions, between all points in the State of California.

Applicant operates as a highway contract, agricultural, and tank truck carrier under permits recorded in File T-113,769. Applicant holds no authority from the Interstate Commerce Commission, but may apply for the right to operate between States in the near future. Applicant owns 649 tractors and trailers and had operating revenue of slightly less than \$7 million for the first nine months of 1982.

Applicant's key employees own 25% of its stock. The remainder is held by the F. E. Blincoe Trust, which also owns Blincoe Trucking Company (Blincoe). Blincoe operates under permits as a highway contract, agricultural, tank truck, and a heavy-specialized carrier. It also operates as a PU Code §§ 1063 (Decision 84224 in Application 55154) and 1063.5 highway common carrier with authority to transport general commodities, with certain exceptions (1) between the San Francisco Territory and (a) all intermediate points on Interstate Highway 80 within Contra Costa County and (b) Stockton; (2) within all points in Contra Costa County; and (3) between Pinole, Rodeo, Crockett, Martinez, Port Chicago, Pittsburg, Antioch, Oakley, Brentwood, Byron, and all points on State Highway 4 within Contra Costa County, on the one hand, and Stockton on the other hand. The

named highways have 25-mile laterals and no local service is authorized in the San Francisco territory. F. Earl Blincoe is the president and chief executive officer of Blincoe, but he is not an officer, director, or employee of the applicant.

Applicant will operate an "on call" service between all points in the State of California. It has requested that the authority to transport shipments having both origin and destination in the City of Stockton or adjacent territory be excluded from its operating authority. Applicant will operate out of a single terminal at 2431 Mariposa Road, Stockton, which includes an office and shop, with fueling and storage facilities, on eight acres. The office and trucks have been equipped with the latest in radio and electronic equipment. All of applicant's supervisory personnel are experienced and applicant maintains a comprehensive driver safety program.

Applicant has developed a substantial business as a permitted carrier. It seeks a certificate to obtain authority to actively solicit backhauls on trucks returning to the Bay Area and to compete for those shippers who refuse to deal with contract carriers. Many shippers hire only certificated carriers. This policy makes it difficult for the non-certificated carrier to adequately serve these customers. An amendment to the application furnished information showing support from 11 named potential shippers.

On February 23, 1983 and on June 22, 1983, applicant mailed copies of the application and its amendment to the California Trucking Association in Burlingame so those filings could be published in the weekly publication, CalTrux. Notice of the filing of this application and its amendment were also published in the Commission's Daily Calendar on March 3, 1983 and June 28, 1983, respectively. No protest or request for public hearing has been received.

Findings of Fact

1. A public hearing is not necessary.
2. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
3. Public convenience and necessity require the proposed operation.
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.

Conclusion of Law

The application should be granted as set forth in the ensuing order.

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 B. J. J. Company, Inc., a California 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.
- 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.

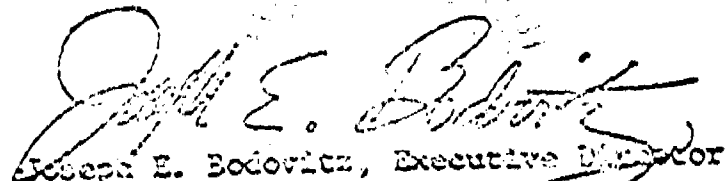
Dated SEP 7 1983, at San Francisco, California.

Commissioner William T. Bagley
being necessarily absent, did
not participate.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
FRANCESCA C. CREW
DONALD VITAG
Commissioners

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


Joseph E. Bodovitz, Executive Director

Appendix A

B. J. J. COMPANY, INC.
(a California corporation)

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B. J. J. Company, 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 as follows:

Between all points and places in the State of California.

Except that under the authority granted, carrier shall not transport any shipments or:

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. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
9. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
10. Commodities of abnormal length, height, width or weight which require the use of and are transported on low bed trailers or which because of width, length, height, weight, shape, or size require special authority from a governmental agency regulating the use of highways, roads or streets.
11. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.
12. Shipments having both origin and destination in the City of Stockton and the adjacent territory as described in Note A.

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.

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Appendix A

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NOTE A

Beginning at the junction of the San Joaquin and the Calaveras Rivers, easterly along the Calaveras River to the city limits, northerly on an imaginary line to March Lane, westerly, northerly and easterly along the west boundary of the city limits to Don Road, northerly on Don Road to Lucille Avenue, easterly on Lucille Avenue to Thornton Road, southeasterly along Thornton Road to Paloma Avenue, easterly along Paloma Avenue to the city limits, northerly, easterly and southerly along the city limits to Hammer Lane, easterly along Hammer Lane to U.S. Highway 99, southerly along U.S. Highway 99 to the Central California Traction Company's right-of-way, easterly to Hubbard Avenue, southerly along Hubbard Avenue and an imaginary line including the Wilcox Road to the Diverting Canal, southeasterly along the Diverting Canal to the Southern Pacific Company's right-of-way, easterly along the Southern Pacific Company's right-of-way to a point opposite to the Budd Road, southerly to East Main Street, westerly along East Main Street to Walker Lane, southerly on Walker Lane and an imaginary line to the Carpenter Road, westerly along the Carpenter Road to Sharps Lane, southerly on Sharps Lane to the Sperry Road, including Stockton Field Airport, westerly on Sperry Road and continuing westerly along an imaginary line to U.S. Highway 50 and the French Camp Slough, northerly along the French Camp Slough to the San Joaquin River, northerly along the San Joaquin River to the junction of the Calaveras River, and including the U.S. Naval Supply Annex on Rough and Ready Island.

(END OF APPENDIX A)

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