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**ORIGINAL**Decision 83 09 046 SEP 7 1983

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 TRI-MODAL DISTRIBUTION SERVICES, INC., )  
 a California corporation, for a )  
 Certificate of Public Convenience ) Application 83-04-33  
 and Necessity authorizing the ) (Filed April 13, 1983)  
 transportation of general commodities )  
 between points in California. )  
 \_\_\_\_\_ )

O P I N I O N

Tri-Modal Distribution Services, Inc. (applicant) seeks a certificate of public convenience and necessity authorizing it to operate as a highway common carrier between all points in the State. It presently holds a highway contract carrier permit (T-138,349). It also has a certificate from the Interstate Commerce Commission.

If a certificate is granted, applicant initially plans to adopt transition tariff rates. It eventually plans to institute "highly competitive" rates. It promises daily service between all points in Los Angeles, Orange, San Diego, Riverside, San Bernardino, Ventura, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, and Monterey Counties. In all other parts of the State it will offer on-call service requiring the tender of at least 10,000 lbs. from a shipper or group of shippers before it will dispatch a truck. It will count interstate traffic as part of the minimum load.

Applicant characterizes itself as a distribution carrier; its intrastate traffic moves primarily from or to warehouses, consolidators, or distribution companies. In interstate commerce, it is able also to haul for freight forwarders and connecting carriers. It uses 11 tractors, 51 trailers, and 7 local delivery trucks in its existing service. When necessary to meet public need it will engage subhaulers. It now has terminals in the San Francisco Bay Area and in greater Los Angeles. Its shipper support documentation is quoted below:

"Representative shippers who have indicated a need for Applicant's proposed service include Montgomery Ward, the nationwide retail chain store, and American Greeting Cards of Cleveland, Ohio, a nationwide greeting card company. Some additional shipper[sic] who have indicated a need for the proposed service and/or intend to use such service are: Ilford, Inc., Sears Roebuck Company, Sullivan Bolts, Henri's Camera, American Airlines, Devlin, Goodyear Tire, Lockheed Aircraft, General Motors, Montgomery Ward, Udllite Sel Rex, Hollywood Film, Bearing Inspection, Sparkling Airline Linen, Norris Industries, Kobe, Inc., Dessor Tire & Rubber Company, Mamo M. Sales, G. W. Bandy Hinge, Brazile Metals and Neward Enterprises."

A copy of the application was served on each of these enterprises. None of them have informed the Commission that the quoted information is in error.

Applicant represents that it will provide:

"Service on an expeditious basis including service to small and rural communities not now serviced regularly."

Applicant claims that if certificated it will be able to serve its present accounts better. If it is able to render both intrastate and interstate service, there will be uniformity of service, less dock congestion, and fewer problems for its shippers.

Applicant's balance sheet shows cash of \$127,583.98 with total assets of \$145,097 as of December 31, 1982. Its principal liability is \$129,408 for "other accounts payable." Its shareholders' equity is \$5,000. Its year-to-date revenue was approximately \$420,000, 44% of which was intrastate revenue. Its year-to-date total expenses were \$419,377; of this amount, \$266,761 was accounted for by vehicle rents or purchased transportation. It had no depreciation expense. Its net revenue for the period was \$1,819.26 on a cash basis plus approximately \$75,000 worth of accounts receivable.

Notice of this filing was given in the Daily Transportation Calendar of April 15, 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

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 Tri-Modal Distribution Services, 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.
- 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.

LEONARD M. GRIMES, JR.  
President

VICTOR CANVO  
PRISCILLA C. CREW  
Commissioners

I dissent.

RONALD VIAL, Commissioner

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

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

*Joseph E. Bodovitz*  
Joseph E. Bodovitz, Executive Director

Appendix A TRI-MODAL DISTRIBUTION SERVICES, INC. Original Page 1  
(a California corporation)

Tri-Modal Distribution Services, 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 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.

Issued by California Public Utilities Commission.

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(a California corporation)

8. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
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.
12. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.
13. Fresh bread, fresh cake, fresh doughnuts and fresh rolls.

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)