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Decision No. 87433 June 7, 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of WILLIAMS TRANSPORTATION,) Petition for Modification
INC., a corporation, for the) in
extension of its certificate of) Application No. 42862
public convenience and necessity) (Filed January 25, 1977)
as a highway common carrier of)
property.)

ORDER GRANTING PETITION
FOR MODIFICATION

By its petition filed January 25, 1977 Williams Transportation, Inc., a California corporation, seeks modification of its highway common carrier certificate which was granted by Decision 61612 dated March 7, 1961 and amended by Decision 63099 dated January 9, 1962 and Decision 74082 dated May 7, 1968, in this proceeding. It seeks to exclude therefrom the authority to enter into written contracts for the leasing of equipment, with driver, for exclusive use of a vehicle or combination of vehicles pursuant to applicable hourly, daily, weekly, monthly or yearly vehicle unit rates. It also seeks to cancel any unit rates, rules, or regulations applicable to such from its tariff.

Petitioner alleges that the cost of operating the vehicles at unit rates varies substantially with type, size, and age of the equipment required by the contracting party. It is impractical and uneconomical to attempt to publish rates in a tariff to meet the great variety of circumstances necessary to satisfy the needs of the contracting party. Some highway common carriers are willing to provide equipment at unit rates only if the customer will take the usual type of equipment used in ordinary service of highway common carriage.

The petitioner wishes to accommodate the special requirements of particular shippers and must have the flexibility to obtain the particular equipment, which meets the shippers needs,

and to charge what it is worth. The variations of the required equipment specifications affect the cost of the equipment and therefore the relative rental value thereof. Further, the applicant is not always aware of the identity of the articles transported under these arrangements. Bills of Lading which list the commodities included in shipments and thereby provide a basis for the application of rates are not required when MRT 15 equipment unit rates are assessed. By removing from the applicant's certificate its right to enter into such written contracts at unit rates, it will be in a position to assess rates at or above those established pursuant to Section 3662 of the Public Utilities Code or, where reasonable, seek deviations from established minimum rates pursuant to Section 3666 of the code.

The petition was listed in the Commission's Daily Calendar of January 27, 1977. No protests have been received. After consideration the Commission finds that the leasing of equipment with driver(s) to shipper(s) at unit rates is a service without regard to the kind of commodities loaded into the vehicle, whether any commodities are loaded into the vehicle, whether the equipment is idle portions of the time during the period of the contract, or whether the equipment is loaded or empty when idle. The Commission also finds that there is no known opposition and no reason to delay granting the relief requested. The Commission concludes that the petition should be granted. A public hearing is not necessary. The order which follows will provide for the revocation of the certificate held by Williams Transportation, Inc. and the issuance of an in lieu certificate. The territorial description or routes of the authority granted reflect the names of redesignated highways and roads and do not exceed in any way the scope of operations presently held by this carrier.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Williams Transportation, Inc., a California corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, petitioner shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date acceptance of the certificate granted. Petitioner is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred twenty days after the effective date of this order, petitioner shall establish the authorized service and amend or file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) Petitioner shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System

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of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

- (f) Petitioner shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision 61612 as amended, which certificate is revoked concurrently with the effective date of the tariff filings required by paragraph 2(b).

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 7th day of JUNE, 1977.

Robert W. Chavale
 Robert W. Chavale
 Commissioner

Robert B. ...

 President

William ...

Yunon L. ...

 Commissioners

Williams Transportation, Inc., a California corporation, 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 Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

1. Between all points and places in the Los Angeles Basin Area as described in Note 1 hereof.
2. Between all points and places in San Diego Territory as described in Note 2 hereof.
3. Between all points on and within three statute miles laterally of Interstate Highway 5 between the southern boundary of Los Angeles Basin Area as described in Note 1 hereof and San Diego Territory, as described in Note 2 hereof, inclusive.
4. Between all points on and within three statute miles of U.S. Highway 101 and State Highway 1 between the northwestern boundary of Los Angeles Basin Area as described in Note 1 hereof, and Santa Barbara, inclusive.
5. Through routes and rates may be established between any and all points described in sub-paragraphs 1 through 4 above.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases,

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- overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus
 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
 4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
 5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
 7. Logs.
 8. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
 9. Any transportation under a written agreement between carrier and shipper for the furnishing of equipment with driver and providing for exclusive use of a vehicle or combination of vehicles, at hourly, daily, weekly, monthly and yearly vehicle unit rates.

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NOTE 1

LOS ANGELES BASIN AREA

Includes that area embraced by the following boundary:

Beginning in the County of Los Angeles at the Intersection of Sunset Boulevard and State Highway 1 thence northeasterly on Sunset Boulevard to Interstate Highway 405 (San Diego Freeway); thence northerly on Interstate Highway 405 to its junction with State Highway 118; thence northerly and easterly on State 118 to its junction with the corporate boundary of the city of San Fernando; westerly, northerly and easterly around said corporate boundary to its intersection with McClay Ave. and its prolongation to the Angeles National Forest Boundary; thence southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundries to State Highway 38 (Mill Creek Road); southwesterly on State Highway 38 to its intersection with Bryant Avenue north of the unincorporated community of Yucaipa; southeasterly and southerly on Bryant Avenue to its intersection with Yucaipa Boulevard; westerly on Yucaipa Boulevard to its intersection with Interstate Highway 10; thence westerly and northwesterly on Interstate Highway 10 to its intersection with Citrus Avenue in the City of Redlands; westerly on Citrus Avenue to its junction with Brookside Avenue; westerly on Brookside Avenue to its junction with Barton Road; thence westerly on Barton Road to its intersection with Interstate Highway 15; thence southerly on Interstate Highway 15 to its junction with State Highway 91; thence southerly and southwesterly on State Highway 91 to its intersection with State Highway 55 near the unincorporated community of Olive; thence southerly and southwesterly on State Highway 55 and a prolongation thereof to the Pacific Ocean; thence along the shoreline of the Pacific Ocean to a point due west of the intersection of Sunset Boulevard and State Highway 1; thence easterly to the point of beginning.

NOTE 2

SAN DIEGO TERRITORY

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence

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southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

(END OF APPENDIX A)

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Issued

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