

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of K.K.W. TRUCKING, INC., a)
California corporation, for an)
extension of its certificate of)
public convenience and necessity)
to operate as a highway common)
carrier for the transportation of)
property in intrastate commerce)
and for an in-lieu certificate of)
public convenience and necessity)
therefor.)

Application No. 56583
(Filed June 25, 1976)
(Amended October 18, 1976)

O P I N I O N

Applicant requests an in-lieu certificate of public convenience and necessity as a highway common carrier. The applicant presently holds a certificate granted by Decision 81049, dated February 14, 1973 authorizing it to transport specific commodities, principally uncrated furniture and household appliances, generally within and between points in the Los Angeles Area, the San Diego Territory, the San Francisco Territory and various points intermediate and peripheral thereto. It also operates under highway carrier permits issued by this Commission.

By this application, the applicant requests extension and modification of its certificate to allow transportation of the commodities presently authorized, whether crated or uncrated, and commodities dealt in by retail furniture outlets and delivered to retail furniture outlets over basically the routes, with some variation, currently authorized.

In support of its request, applicant alleges:

1. Applicant has operated between points and places in California in intrastate commerce for a period of years.

2. Applicant has received numerous requests from various shippers having movements of commodities beyond the scope of applicant's present authority,

3. Applicant seeks expansion of the commodities to include both crated and uncrated items. It also seeks authority to handle other items not specifically listed moving to retail furniture outlets in order to allow applicant to provide a complete service to the shipping public.

The requested expansion in descriptions does not change the specialized nature of applicant's service. Granting of the application will allow the applicant to provide a more complete service to the public and at the same time will allow split deliveries of crated and uncrated items.

4. The present restrictions in applicant's certificate are confusing and, to some extent, redundant and it is, therefore, requested that these restrictions be removed. In addition, highway designations in some instances are outdated and updated highway designations have been requested.

5. Applicant proposes an on-call service, five days per week, with Saturday service provided upon request.

6. Granting of the application will be in the public interest for reasons of more efficient service, more efficient use of energy, ease of rating split-delivery shipments and responsive service to the public.

Applicant participates in tariffs published by Western Motor Tariff Bureau, Inc., Agent. It will publish rates and rules in such tariffs to cover the requested in-lieu certificate.

Applicant's balance sheet of December 31, 1975 shows assets over \$718,000, liabilities of almost \$385,000 and net worth of over \$334,000. The application lists a substantial fleet of highway equipment suitable for the service. (Exhibit "E").

The application has been served on numerous carriers with which the proposed service may compete and on the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of June 29, 1976. One protest was filed which was later withdrawn upon the filing of an amendment to the application. No other protests were received.

After consideration the Commission finds:

1. Applicant operates as a highway common carrier in the general area covered by the application and has received requests to handle the additional commodities for which authority is requested in the application.
2. Applicant has the experience, equipment and financial resources to institute and maintain the service authorized herein.
3. The requested authority would be a logical extension of applicant's existing certificated service. It would enable the applicant to better fulfill the needs of its shippers.
4. Public convenience and necessity require that applicant be authorized to engage in operations as proposed in the application.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The Commission concludes that the application should be granted as set forth in the ensuing order. A public hearing is not necessary. The authority granted herein shall be included in an in-lieu certificate, as set forth in Appendix A hereof, which also includes the authority previously granted by Decision 81049.

Applicant is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their

purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to K.K.W. Trucking, 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, attached hereto and made a part hereof.

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

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant 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 100-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file or amend 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 80-Series.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 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) Applicant shall comply with the requirements of the Commission's General Order 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.

3. 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 81049 which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 26th day of JULY, 1977.

Robert Baber
President
William Sproun, Jr.
Verdon L. Sturgeon
Richard D. Gwally

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

K.K.W. 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 Section 213 of the Public Utilities Code for the transportation of:

- A.
1. New furniture and parts thereof;
 2. New lamp standards and electric lamps and shades combined, and parts thereof;
 3. Household refrigerators and parts thereof;
 4. Radio receiving sets, radio receiving sets and talking machines combined, televisions sets, vision receiving sets, television or vision receiving sets and talking machines or radio sets combined, including necessary equipment of tubes and loud speakers and parts thereof;
 5. New household laundry machines, including drying machines, ironing machines, washing machines, with or without dishwashing attachment, and parts of any thereof;
 6. Ironing boards, ironing tables, ironing machine covers, and parts of any thereof;
 7. New stoves or ranges, electric, gas, gasoline or oil; and
 8. Commodities incidental to the retail sale of furniture which are delivered to retail stores and decorators dealing in furniture.
- B. Between all points and places within the Los Angeles Basin Territory as described in Note A.
- C. Between all points and places in the Los Angeles Basin Territory as described in Note A, and to, from and between the following-described points, off-route points, intermediate points and territories:

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1. The City of Mojave, serving all intermediate and off-route points within a lateral of 15 statute miles of State Highway 14, between the Los Angeles Basin Territory and Mojave.
2. The City of Barstow, serving all intermediate and off-route points within a lateral of 15 statute miles of Interstate Highway 15 and the Los Angeles Basin Territory as described in Note A.
3. The City of Calexico, serving all intermediate and off-route points within a lateral of 15 statute miles of Interstate Highway 10, State Highways 111, 86 and 111, between the Los Angeles Basin Territory as described in Note A and Calexico.
4. The San Diego Territory as described in Note B hereof serving all intermediate and off-route points within a lateral of 15 statute miles of Interstate Highways 5, 15, and 15-E and U. S. Highway 395 between said territories.
5. The City of Santa Rosa, serving all intermediate and off-route points within a lateral of 15 statute miles of U.S. Highway 101, including the San Francisco Territory as described in Note C, and State Highway 1, between the Los Angeles Basin Territory and Santa Rosa.
6. The City of Central Valley, serving all intermediate and off-route points within a lateral of 15 statute miles of Interstate Highway 5 and Interstate Highway 80 and State Highways 99 and 65.
7. Intermediate and off-route points within a lateral of 15 statute miles of Interstate Highways 80, 205 and 580, State Highways 4, 21, 24, 113 and 160 between U.S. Highway 101 and State Highway 99.
8. The City of Tracy, serving all intermediate and off-route points within a lateral of 15 statute miles of U.S. Highway 101, State Highways 33 and 152 between the Los Angeles Basin Territory and Tracy.
9. Applicant may establish through routes and rates between all points and territories set forth above.

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10. For operating convenience only applicant may use all roads, streets and highways connecting the points and routes authorized herein.

NOTE A

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

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NOTE B

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 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.

NOTE C

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly

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along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Miles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)

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