

**ORIGINAL**

Decision No. 88098 NOV 8 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of UNLIMITED SERVICE PICK-UP AND  
DELIVERY, INC., a California  
corporation, for a certificate  
of public convenience and  
necessity to operate as a high-  
way common carrier.

Application No. 57188  
(Filed March 30, 1977;  
amended July 6, 1977)

O P I N I O N

Applicant operates pursuant to radial highway common carrier and highway contract carrier permits which authorize the transportation of general commodities, with the usual exceptions, within a radius of 150 miles from Sacramento. By this application, as amended, it seeks a certificate of public convenience and necessity to transport general commodities, with the usual exceptions, between points and places on or within five miles of named routes between Sacramento and Woodland, Marysville, and Yuba City on the north, Auburn on the east, Stockton, Tracy, and Turlock on the south, and Fairfield on the west. No interstate or foreign authority is requested.

The application states as follows: Applicant has been operating in the sought area under its permitted authorities for a substantial period of time. The number of customers it has been serving in this area and the volume of its business and frequency of service here have been increasing substantially. The granting of the requested authority would result in economics in its operations and better service to shippers. The proposed service would be daily, Monday through Friday, with same-day or overnight delivery depending on the time of pickup and distance involved.

Its rates would be on the same level as those in Minimum Rate Tariff 2 and other applicable minimum rate tariffs. Applicant is financially able to expand its fleet of four 22-foot van trucks and a pickup as may be required to provide the proposed service. Public convenience and necessity require the sought certificated service.

Applicant's balance sheet for December 1976 shows assets of \$64,113.28, liabilities of \$6,235.59, and an equity of \$57,877.79. For the year 1976 applicant had a gross income of \$130,368.91 and a net profit after taxes of \$16,543.01.

The application and amendment were listed on the Commission's Daily Calendars of April 1, 1977 and July 7, 1977, respectively. Applicant furnished competing carriers with notice of its request. There were several protests to the application, but with the filing of the amendment which restricted the authority originally sought, the protests were withdrawn. No other protests have been received.

#### Findings

1. Applicant has the experience, equipment, and ability to provide the proposed service.

2. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application, as amended.

3. It can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

#### Conclusion

The Commission concludes that the application, as amended, should be granted as set forth in the ensuing order.

Unlimited Service Pick-Up and Delivery, Inc. 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 Unlimited Service Pick-Up and Delivery, Inc., a 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, applicant 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 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 No. 100-Series.

- (b) Within one hundred twenty days after the effective date of this order, applicant 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) 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 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 effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 8th day of NOVEMBER, 1977.

Polut Batwinich  
President  
William Symon, Jr  
Vernon A. Sturgeon  
Arthur P. ...

Commissioners

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

Unlimited Service Pick-Up and Delivery, 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:

- A. Between all intermediate points and all points and places on or within five statute miles of the following highways:
1. State Highway 70 between Sacramento and Marysville, inclusive.
  2. Interstate Highway 80, State Highway 65 and State Highway 70 between Sacramento and Marysville, inclusive.
  3. Interstate Highway 80 from Sacramento to Auburn, inclusive.
  4. State Highway 99 between Sacramento and Yuba City, inclusive.
  5. Interstate Highway 80 between Sacramento and Fairfield, inclusive.
  6. Interstate Highway 5 between Sacramento and Woodland, inclusive.
  7. State Highway 99 between Sacramento and Turlock, inclusive.
  8. Interstate Highway 5 between Sacramento and Stockton, inclusive.

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, overnight or boston bags, brief cases, hat

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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 chassis.
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. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.
8. Logs.
9. Articles of extraordinary value.

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10. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
11. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
12. Explosives subject to U. S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.

(END OF APPENDIX A)

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