

ORIGINAL

Decision No. 88411 JAN 24 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of KEEP ON TRUCKING COMPANY, INC.  
for a certificate of public  
convenience and necessity  
authorizing operations as a highway  
common carrier.

Application No. 57092  
(Filed February 17, 1977;  
amended November 8, 1977)

O P I N I O N

By amended application Keep On Trucking Company, Inc. requests a certificate to operate as a highway common carrier of iron and steel articles as described on pages 276, 277, and 278 of Volume 61 of the Interstate Commerce Commission Motor Carrier Cases, and machinery and machinery parts, zinc ingots and plate, and aluminum sheets in coils or in packages between the San Francisco Territory and the Los Angeles Territory over various routes. Applicant also requests that we find that public convenience and necessity require the requested service in interstate and foreign commerce. The original application was protested by several carriers, but after the application was amended the protestants withdrew their protests. Applicant's highway common carrier authority authorizes transportation of specified commodities between all points and places in the Los Angeles Basin Territory, on the one hand, and, on the other hand, all points on Interstate Highway 5 between San Diego and San Ysidro. That authority was granted by Decision No. 85927 dated June 8, 1976 in Application No. 56052. Applicant also operates under a Certificate of Registration issued by the Interstate Commerce Commission in Docket No. MC-121790. It also operates under a highway contract carrier permit which authorizes the transportation of general commodities throughout the State of California. A copy of the

application has been filed with the Interstate Commerce Commission under Section 206(a)(6) of the Interstate Commerce Act and notice thereof appeared in the Federal Register on July 14, 1977.

Findings

1. Applicant is fit, willing, and able to provide the requested service.

2. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by this decision.

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. As the protestants have withdrawn their protests, a public hearing on the matter is not necessary.

Conclusion

The application, as amended, should be granted as set forth in the ensuing order and applicant's operating authority should be restated in appendix form.

Keep On Trucking Company, 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 Keep On Trucking Company, 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.

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 No. 85927 dated June 8, 1976 in Application No. 56052, 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 27th day of JANUARY, 1978.

Robert Babinich  
President  
William [unclear]  
Veron [unclear]  
Charles D. [unclear]  
Clare [unclear]  
 Commissioners

Keep On Trucking 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 Section 213 of the Public Utilities Code for the transportation of Iron and Steel Articles, as described on pages 276, 277, and 278 in Volume 61, Motor Carrier Cases, a decision of the Interstate Commerce Commission (61 MCC 209), machinery and machinery parts; zinc ingots and plates; aluminum sheets in coils or in packages; as follows:

1. Between all points and places in the Los Angeles Basin Territory as described in Note A hereof.

2. Between all points and places in the Los Angeles Basin Territory, as described in Note A hereof, on the one hand, and, on the other hand, all points on and within five miles of points on Interstate Highway 5 between San Diego and San Ysidro, inclusive.

3. Between all points and places in Los Angeles Basin Territory, as described in Note A hereof, on the one hand, and, on the other hand, all points and places in the San Francisco Territory, as described in Note B hereof.

4. Between points in the said Los Angeles Basin Territory and the said San Francisco Territory on the one hand, and, on the other hand, points on and within fifteen (15) statute miles of points on the following highways:

- a. U. S. Highway 101 between Los Angeles and San Francisco.
- b. Interstate Highways 5 and 580 between Los Angeles and Oakland.
- c. State Highway 99 between Wheeler Ridge and Modesto.
- d. State Highway 132 between Modesto and Interstate Highway 580.

5. 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.

Issued by California Public Utilities Commission.

Decision 88411, Application 57092.

6. Service shall be limited to shipments having a minimum weight of 10,000 pounds or which shall be billed at charges no less than those applicable to shipments of at least 10,000 pounds. ✓

7. Service shall be restricted against the transportation of tin plate, terne plate, and tin mill black plates from Entiwanda, except when interlined to a motor, rail, or water carrier for further transportation. ✓

## 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 Inter-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 Lines; 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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Decision 88411, Application 57092.

## NOTE B

## 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; southwestly along McKee Road to Capitol Avenue; northwesterly 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 Niles 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

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Decision 88411, Application 57092.

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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Decision 88411, Application 57092.