

ORIGINAL

Decision No. 88840 MAY 16 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of AUTO FAST-FREIGHT, INC., a)
 California corporation, for an ex-)
 tension of its Certificate of)
 Public Convenience and Necessity)
 to operate as a highway common)
 carrier for the transportation of)
 property in intrastate and inter-)
 state and foreign commerce, and)
 for an in lieu Certificate of)
 Public Convenience and Necessity)
 therefor.)

Application No. 57362
 (Filed June 2, 1977)

O P I N I O N

Applicant is a highway common carrier pursuant to a certificate of public convenience and necessity granted by Decision No. 88197 in Application No. 55953. This certificate authorizes the transportation of general commodities throughout a substantial portion of southern California. This authority was registered with the Interstate Commerce Commission in that Commission's Docket No. MC-121526, Sub. No. 3 thereby authorizing operations in interstate and foreign commerce. Applicant also holds permits authorizing operations as a radial highway common carrier and as a highway contract carrier.

Applicant here seeks additional highway common carrier authority in intrastate, interstate, and foreign commerce between points and places within the Los Angeles Basin Territory and points and places located on State Highway 62 between its junction with Interstate Highway 10 near Whitewater and its junction with Ironage Road located east of Twenty-Nine Palms serving all points within a 10-mile lateral.

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

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. Appendix A of Decision No. 88197 is amended by incorporating First Revised Page 1 and original Page 1(a) attached hereto in revision of Original Page 1.

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.

CORRECTION

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**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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There are no protests to the application.

The proposed operation will be a daily on-call service Monday through Friday with Saturday service upon request. Time-in-transit for this service will be overnight.

Applicant is a party to Western Motor Tariff Bureau, Inc. for operations under its existing common carrier certificate. Applicant proposes to participate in the same tariffs for operations in the extended territory proposed to be served by this application.

Applicant has the following equipment: 31 tractors, 27 bobtail trucks, 45 van trailers, 10 open trailers, 9 dolly converter gears, and 4 pickup trucks.

As of March 31, 1977 applicant had assets totaling \$541,778 offset by liabilities of \$309,980, a resultant equity of \$231,798.

Findings

1. Applicant operates as a highway common carrier in intrastate, interstate, and foreign commerce pursuant to Decision No. 88197 in Application No. 55953 of this Commission and by Docket No. MC-121526 (Sub. No. 3) of the Interstate Commerce Commission.
2. Applicant also operates as a radial highway common carrier and as a highway contract carrier pursuant to permits issued by this Commission.
3. Notice that this application was filed and that it seeks interstate rights was published in the Federal Register on June 30, 1977.
4. Applicant has the ability, including financial ability, to conduct the proposed operation.
5. 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 the order herein.
6. 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.

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- (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 thirty days after the date hereof.

Dated at San Francisco, California, this 16th day of MAY, 1978.

Robert Batumich
President
William S. Quinn Jr.
Vernon L. Sturgeon
Richard D. Hinkle
Clair J. Leitch
Commissioners

Auto Fast Freight, 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 general commodities as follows:

1. Between all points and places in Los Angeles Basin Territory as described in Note A hereof.
2. Between all points and places in San Diego Territory as described in Note B hereof.
3. Between the said Los Angeles Basin Territory and San Diego Territory and all intermediate points on and within ten (10) statute miles laterally of Interstate Highways 5 and 15.
4. Between the said Los Angeles Basin Territory and Lucerne Valley serving all points and places on and within ten (10) statute miles of State Highway 18.
5. Between the said Los Angeles Basin Territory and Newberry serving all points on and within ten (10) statute miles laterally of Interstate Highways 15 and 40.
6. Between the said Los Angeles Basin Territory and Boron serving all points on and within ten (10) statute miles of U.S. Highway 395 and State Highway 58.
7. Between the said Los Angeles Basin Territory and the Coachella Valley Territory as described in Note C hereof serving all points and places on and within ten (10) statute miles laterally of Interstate Highway 10.
- *8. Between the said Los Angeles Basin Territory and points and places located on State Highway 62 between its junction with Interstate Highway 10 near Whitewater and its junction with Ironage Road located east of Twenty-Nine Palms, serving all points within ten statute miles laterally of said Highway.

Issued by California Public Utilities Commission.

* Amended by Decision 88840 Application 57362.

*Through routes and rates may be established between any and all points described above in connection with presently certificated authority and with other certificated carriers, at convenient points of interchange.

*RESTRICTION:

No transportation in interstate and foreign commerce is authorized from or to points located on or within ten (10) statute miles laterally of Interstate Highway 15 or U. S. Highway 395 north of Los Angeles Basin Territory as described in Note A hereof or on or within ten (10) statute miles laterally of Interstate Highway 40 or State Highway 58.

Issued by California Public Utilities Commission.

* Amended by Decision 88840 Application 57362.