

ORIGINAL

89141 JUL 25 1978

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PAK MOVING, INC., for an extension
of its certificate of public
convenience and necessity authorizing
operations as a highway common carrier.

Application No. 57864
(Filed February 10, 1978;
amended May 12, 1978)

O P I N I O N

Applicant is a California corporation presently operating under the authority of a household goods carrier permit and a radial highway common carrier permit which authorize the transportation of household goods and general commodities between all points in the State of California. Applicant also holds and operates pursuant to a certificate of public convenience and necessity issued to it by Decision No. 87346, authorizing operations as a certificated highway common carrier of baggage, generally between all points and places within an area embraced by Santa Rosa, Yuba City, and Marysville, on the north, and San Jose, Gustine, and Merced, on the south; and of general commodities between points in the San Francisco Territory, on the one hand, and, on the other hand, points on and within 10 miles of Interstate Highway 80, between Vallejo and Vacaville and State Highway 12, and between Fairfield and Rio Vista.

Applicant has applied herein for a certificate of public convenience and necessity to authorize operations as a highway common carrier for the transportation of general commodities, with limited exceptions, between all points and places in the San Francisco Territory, on the one hand, and, on the other hand, points on or within 10 miles of points on Interstate Highway 5, between Vacaville and Sacramento; State Highway 113, between junction with Interstate Highway 80, near Davis and Yuba City; and State Highway 99, between Sacramento and Yuba City. A copy of this application was filed with the Interstate Commerce Commission and published in the Federal Register on March 30, 1978. A protest was filed by Hatfield Trucking Service, Inc. and

withdrawn after applicant agreed to include a restriction "forbidding" the transportation of shipments having an immediately prior or subsequent movement by air".

Applicant will provide a daily service on Monday through Friday in intrastate, interstate, and foreign commerce between all points in the requested area, Sundays and holidays excepted. Rates to be charged for the service will be the same as those set forth in Minimum Rate Tariff 2 and other applicable minimum rate tariffs of the Commission. Applicant's operating equipment includes 4 tractors, 3 van trucks, a flatbed truck and trailer, 5 van semi-trailers, and 1 flatbed semitrailer. Applicant's profit and loss statement for the year ending on September 30, 1977 shows a total income of \$67,710 in the moving and storage operation and expenses of \$55,732. Profit after taxes totaled \$9,877.

It is alleged that applicant has provided general commodity service for many years as a permitted carrier in the area it is now seeking to serve under a certificate. Customers have been demanding more frequent service and it is doubtful if applicant can continue to expand service under its permitted authority.

Findings

1. Applicant has the experience, equipment, personnel, and financial resources to institute and maintain 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 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. A public hearing is not necessary.

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

This grant will include all authority held by the applicant under its prior certificate which will be revoked.

Pak Moving, 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 Pak Moving, 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. 87346, 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 thirty days after the date hereof.

Dated at San Francisco, California, this 25th day of JULY, 1978.

Robert Bateman
President
William S. ...
...
...
...
Commissioners

Pak Moving, 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 the following:

A. Baggage between the following points:

1. Between all points and places in the San Francisco Territory and between all points within 10 statute miles of any point therein;
2. Between all points on or within 10 statute miles of the following routes:
 - (a) State Highway 65, between Marysville and Interstate Highway 80, inclusive;
 - (b) State Highway 70, between Marysville and Sacramento, inclusive;
 - (c) State Highway 20, between Marysville and Yuba City, inclusive;
 - (d) State Highway 113, between Yuba City and Interstate Highway 80, inclusive;
 - (e) Interstate Highway 80, between San Francisco and junction with State Highway 65, inclusive;
 - (f) U.S. Highway 101 between Santa Rosa and San Francisco, inclusive;
 - (g) State Highway 12, between Santa Rosa and Lodi, inclusive;
 - (h) State Highway 29, between Napa and Vallejo, inclusive;
 - (i) State Highway 37, between U.S. Highway 101 and Interstate Highway 80, inclusive;

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- (j) State Highway 17, between San Rafael and Richmond, inclusive;
- (k) Interstate Highway 680, between Fremont and Vallejo, inclusive;
- (l) State Highway 4, between Interstate Highway 80 and Stockton, inclusive;
- (m) Interstate Highways 580, 205, 5 and Temporary 5, between Oakland and Sacramento, inclusive;
- (n) Interstate Highways 580 and 5, between Interstate Highways 205 and State Highway 140, inclusive;
- (o) State Highway 140, between Interstate Highway 5 and Merced, inclusive;
- (p) State Highway 99, between Stockton and Merced, inclusive;
- (q) State Highway 132, between Interstate Highway 5 and Modesto, inclusive.

B. General Commodities as follows:

Between all points and places in the San Francisco Territory, as described in Note A herein, on the one hand, and on the other hand, all points and places on or within 10 statute miles of points on the following routes:

- (a) Interstate Highway 80, between Vallejo and Sacramento, inclusive;
- (b) State Highway 12, between Fairfield and Rio Vista, inclusive;
- (c) State Highway 113 between its intersection with Interstate Highway 80 near Davis and Yuba City, inclusive;
- (d) State Highway 99 between Sacramento and Yuba City, inclusive.

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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 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.

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8. Logs.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
10. Fresh Fruits and Vegetables.
11. Shipments having an immediately prior or subsequent movement by air..

NOTE A

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 Company 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

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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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