

Decision No. 89541 OCT 17 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of WEST-PAK, INC., for an exten-)	
sion of its certificate of public)	Application No. 58232
convenience and necessity to)	(Filed July 14, 1978)
operate as a highway common)	
carrier.)	

O P I N I O N

Applicant is a California corporation presently operating under the authority of a highway contract carrier permit which authorizes the transportation of general commodities between all points in the State of California. Applicant also operates as a highway common carrier pursuant to a certificate of public convenience and necessity issued to it by Decision 85192 dated December 2, 1975 in Application 55802. The certificate authorizes operations over thirteen routes located in northern and central California for the transportation of general commodities in shipments weighing not more than 100 pounds, transported in vehicles of a rated capacity of one ton or less.

Applicant has applied herein to extend its certificate of public convenience and necessity to authorize operations as a highway common carrier for the transportation of general commodities, in packages weighing not more than 100 pounds, over fifty-six routes located throughout the State of California. In order to achieve greater operating efficiency, the applicant desires that the one-ton restriction on the capacity of the equipment, contained in its present certificate, be deleted from the extended certificate.

Applicant proposes to provide service in intrastate and interstate and foreign commerce, wholly within the State of California. A copy of the application was served on all known carriers operating in the area of the proposed extension, and a copy of the original application was filed with the Interstate Commerce Commission and published in the Federal Register August 17, 1978. No protests to the application have been filed.

The applicant's principal place of business is at Emeryville, California and it operates a substantial fleet of trucking equipment including 44 motor vans, 2 tractors and 3 trailers. Applicant's

balance sheet as of March 31, 1978 shows total assets of \$482,375 and total liabilities of \$473,738. Net income after tax for the year 1977 is \$50,516 out of a total operating revenue of \$1,583,643. Should the application be granted the applicant would provide daily service, Monday through Friday. Rates to be assessed will be on the same level and subject to the rules and regulations currently published and on file in West-Pak, Inc., Local Package Tariff No. 3, Cal PUC No. 2.

Applicant is presently conducting a contract operation to its permitted areas of northern and central California but the increased operations therein have possibly exceeded the scope of that authority. The applicant is ready, willing and able to provide the service proposed herein.

After consideration, the Commission finds that:

1. The applicant has the experience, equipment, personnel and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also require that the 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 and a new certificate issued which will supersede the certificate previously issued. The territorial description and routes of the authority granted reflect the names of redesignated highways and roads and do not in any way exceed the geographical scope of the proposed operation as published in the Federal Register.

Applicant is placed on notice that operating 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 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 cancelled 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 West-Pak, 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 of this decision.

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 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 85192 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 17th day of OCTOBER, 1978.

President
William J. ...

Verizon L. Stupen

Charles D. ...

Clare J. ...
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

West-Pak, 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 in packages or parcels not weighing more than 100 pounds as follows:

Between all points and places on and within fifteen (15) statute miles of the following routes:

1. Interstate Highway 5 between Redding and the United States-Mexican border;
2. U.S. Highway 101 between Calpella and Los Angeles;
3. State Highway 1 between San Francisco and Pacifica;
4. State Highway 1 between Santa Cruz and San Clemente;
5. Interstate Highway 80 between San Francisco and the California-Nevada state line;
6. Interstate Highway 15 between San Diego and the California-Nevada state line;
7. State Highway 17 between San Rafael and Santa Cruz;
8. U.S. Highway 50 between Sacramento and the California-Nevada state line;
9. State Highway 89 between Truckee and Tahoe Valley;
10. State Highway 49 between Placerville and Sonora;
11. State Highway 108 between Sonora and Modesto;
12. State Highway 120 between junction with Interstate Highway 5 and Oakdale;
13. State Highway 88 between Stockton and Jackson;
14. State Highway 124 between Plymouth and junction with State Highway 88, near Ione;
15. State Highway 12 and State Highway 88 between Lodi and Lockeford;

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16. State Highway 28 between Tahoe City and the California-Nevada state line;
17. State Highway 99 between Red Bluff and junction with Interstate Highway 5 at Wheeler Ridge;
18. State Highway 20 between Williams and junction with Interstate Highway 80 near Yuba Gap;
19. State Highway 32 between Orland and Chico;
20. State Highway 65 between Marysville and Roseville;
21. State Highway 45 between junction with State Highway 32 near Hamilton City and Knight's Landing;
22. State Highway 113 between Knight's Landing and junction with Interstate Highway 80 near Davis;
23. State Highway 4 between junction with Interstate Highway 80 near Pinole and junction with Interstate Highway 5 near Stockton;
24. State Highway 37 between junction with U.S. Highway 101, near Novato and junction with Interstate Highway 80, near Vallejo;
25. State Highway 20 between Calpella and Upper Lake;
26. State Highway 29 between Upper Lake and junction with Interstate Highway 80, near Vallejo;
27. State Highway 12 between Santa Rosa and junction with State Highway 29 near Napa;
28. State Highway 24 between Oakland and junction with State Highway 4, near Concord;
29. Interstate Highway 680 between junction with Interstate Highway 80 at Cordelia and junction with State Highway 17 near Fremont;
30. Interstate Highways 580 and 205 between San Lorenzo and junctions with Interstate Highway 5.
31. Interstate Highway 280 between San Francisco and San Jose;
32. State Highway 152 between Gilroy and Califa;

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33. State Highway 156 between junction with State Highway 152 and junction with U.S. Highway 101, near San Juan Bautista;
34. State Highway 180, County Road J1, and State Highway 25 between Squaw Valley and Hollister;
35. State Highway 63 between Squaw Valley and Tulare;
36. State Highway 198 and State Highway 65 between San Lucas and Exeter;
37. State Highway 65 between Exeter and junction with State Highway 99, near Bakersfield;
38. State Highway 43 between Selma and junction with Interstate Highway 5;
39. State Highway 33 between Tracy and Maricopa;
40. State Highway 132 between junction with Interstate Highway 580 and Modesto;
41. State Highway 140 between Gustine and Merced;
42. State Highway 70 between junction with State Highway 149 near Oroville and Marysville;
43. State Highway 46 between Paso Robles and junction with State Highway 99 near Famoso;
44. State Highway 166 between Maricopa and junction with State Highway 99 near Wheeler Ridge;
45. Between San Bernardino and the junction of Colorado Boulevard and Interstate Highway 5 in the city of Glendale via State Highway 66, Foothill Boulevard, Huntington Drive and Colorado Boulevard;
46. Interstate Highway 10 between junction with Interstate Highway 5 and Redlands;
47. State Highway 60 between junction with Interstate Highway 5 and Riverside;
48. State Highway 71 between junction with Interstate Highway 10 near La Verne and junction with Interstate Highway 15 near Murrieta Hot Springs;

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49. State Highway 91 between Buena Park and Riverside;
50. State Highway 55 between junction with State Highway 91, near Olive and Newport Beach;
51. Interstate Highway 405 between San Fernando and junction with Interstate Highway 5 near Irvine;
52. State Highway 74 between San Juan Capistrano and Perris;
53. State Highway 78 between junction with Interstate Highway 5 near Oceanside and Escondido;
54. Interstate Highway 8 between San Diego and El Cajon;
55. Interstate Highway 505 between junction with Interstate Highway 5 near Dunnigan and junction with Interstate Highway 80 near Vacaville;
56. State Highway 68 between Monterey and Salinas.

Through routes and rates may be established between any and all points described in the authority above.

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.

Service shall be restricted against the transportation of traffic having a prior or subsequent movement by air between Los Angeles International Airport, on the one hand, and, on the other, the City of San Diego.

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).

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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. Logs.
8. Fresh fruits and vegetables.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

(END OF APPENDIX A)

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