

Decision No. 89645 · NOV 9 1978



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Suzanne Virginia King doing )  
business as Ernie's Mobile Home )  
Transport for a certificate of )  
public convenience and necessity )  
to operate as a highway common )  
carrier for the transportation )  
of mobile homes, trailer coaches )  
and campers. )

Application No. 58252  
(Filed July 24, 1978)

O P I N I O N

Applicant presently operates pursuant to a highway contract carrier permit under File T-111,075. By this application, she seeks a certificate of public convenience and necessity authorizing operations as a highway common carrier for the transportation of mobile homes, trailer coaches and campers, between all points and places in the State of California, over all available routes. Applicant will offer an "on call" service which will be provided at the request of any shipper.

Applicant's financial statements of May 31, 1978 show a net worth of \$59,724, a net income of \$194,564, and a net profit after taxes for the first six months of 1978 of \$21,504.

Applicant proposes to conduct operations mainly through the use of fifteen subhaulers who have been with her steadily for a number of years. Applicant operates two pieces of her own equipment; a tractor to pull the mobile homes and trailer coaches and a pickup truck which is used as an escort vehicle when over-dimensional loads are being transported.

We recently denied an application, which was protested by several parties, for issuance of a highway common carrier certificate to transport iron and steel articles in intrastate, interstate and

foreign commerce. The applicant in that proceeding intended to conduct its operation with none of its own equipment but rather through the exclusive use of subhaulers (In re Cara Transportation, Decision 89136, dated July 25, 1978, Application 57106).

Mindful of what we said in Decision 89136, we will nevertheless grant the instant application because of the unique circumstances here involved. It is not unusual in the mobile home transportation business for carriers, dealing directly with shippers, to operate only one or two pieces of equipment while engaging a substantial number of subhaulers.

In this proceeding the applicant is engaged in the state-wide transportation of mobile homes, trailer coaches and campers under a highway contract carrier permit.

The service heretofore performed has been statewide in character. Applicant will offer an "on call" service which will be provided upon request of any shipper.

The rates for the proposed service will be substantially based upon those applicable to mobile homes, trailer coaches and campers, contained in Minimum Rate Tariff 18.

The applicant does not request authority to engage in interstate and foreign commerce under the provisions of Section 206(a)(6) of the Interstate Commerce Act. She asserts that she is holding her services out to the general public and is currently serving more than 100 shippers. If she is to continue to expand her services to meet the growing needs of the shipping public, she will require the authority sought.

The application was listed in the Commission's Daily Calendar of July 27, 1978. Applicant has served copies of the application upon the California Trucking Association and the Highway Carriers Association which has a membership of over 200 mobile home haulers who operate pursuant to radial highway common carrier permits. No protests to the application have been received.

Findings

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

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

Suzanne Virginia King, an individual, doing business as Ernie's Mobile Home Transport, 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 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 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 Suzanne Virginia King, an individual, doing business as Ernie's Mobile Home Transport, authorizing her 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 she accepts the certificate she

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 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 her 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 her 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, she shall make the appropriate tariff filings as required by the General Order.

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The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 9th day of NOVEMBER, 1978.

Robert Robinson  
President  
William J. Quinn  
Veronica L. Sturgeon  
Robert D. Walker  
Gene J. Sedwick  
Commissioners

SUZANNE VIRGINIA KING  
(an individual)  
dba  
ERNIE'S MOBILE HOME TRANSPORT

Suzanne Virginia King, 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 mobile homes, trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper, as follows:

Between all points and places in the State of California over all available routes.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 89645 Application 58252.