

Decision No. 89737 DEC 12 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Mark A. Bozaich, an individual,)
doing business as Sacramento Auto)
Truck Co., for an extension of his)
Certificate of Public Convenience)
and Necessity to operate as a)
highway common carrier for the)
transportation of property in)
intrastate and interstate and)
foreign commerce.)

Application No. 58293
(Filed August 15, 1978)

O P I N I O N

The applicant is an individual doing business under the fictitious name of Sacramento Auto Truck Co. and is presently operating as a highway common carrier of general commodities excluding the transportation of trailer coaches and campers. The applicant operates under certificates of public convenience and necessity granted by this Commission in Decision 5475 dated June 11, 1918 in Application 3832 and Decision 7249 dated March 22, 1920 in Application 5116. The certificates were acquired by the applicant pursuant to Decision 52290 dated November 29, 1955 in Application 37429; and authorize transportation between the cities of Sacramento, Davis, Winters and Woodland. He also operates under radial highway common carrier and agricultural carrier permits issued under File T-57864. In addition to the foregoing, applicant transports general commodities as a common carrier in interstate and foreign commerce under a certificate of public convenience and necessity issued to him by the Interstate Commerce Commission in Docket MC-30018. The state certificate is not registered with the Interstate Commerce Commission.

The applicant has applied for an extension of his existing certificate to authorize operations as a highway common carrier of general commodities over five routes in an area bounded by the cities of Sacramento, Davis, Fairfield and Woodland. Notice of the filing of the application appeared in the Commission's Daily Calendar of August 16, 1978. No protests have been received.

The applicant will provide daily service Monday through Friday in intrastate and interstate and foreign commerce between all points in the requested area. The rates to be assessed will be on the same scale as those contained in Minimum Rate Tariff 2 and other applicable minimum rate tariffs issued by the Commission. The applicant's equipment comprises four tractors, ten vans, two flatbed trailers and four van pickup trucks.

The applicant's Balance Sheet dated December 31, 1977 indicates a net worth of \$19,981 and his Statement of Income and Expense for the period ending December 31, 1977 shows a net income of \$7,767 with an operating ratio of 93.07 percent.

It is alleged that the requested extension of the certificate constitutes a natural geographical development of the applicant's existing authority. Applicant indicates that he has experienced a steady growth in the number of shippers he serves together with a sustained increase in the frequency and regularity of his service to the extended area which would indicate the existence of strong public demand for his service.

Findings

1. Applicant has the experience, equipment 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. The finding of public convenience and necessity in interstate and foreign commerce herein does not include that interstate and foreign commerce authority previously granted to the applicant by the Interstate Commerce Commission in Docket No. MC-30018. Such finding includes only that portion of the certificate granted herein which is an extension of the certificate acquired by the applicant pursuant to Decision 52290.

3. Applicant's present and proposed authority should be consolidated as an in lieu certificate.

The Commission concludes that the application should be granted as set forth in the ensuing order. A public hearing is not necessary.

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 consideration for the grant of such rights. 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 Mark A. Bozaich, an individual, doing business as Sacramento Auto Truck Co., authorizing him 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 he accepts the certificate he 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 his 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 his 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, he 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 certificates of public convenience and necessity granted by Decisions 5475 and 7249 and acquired by the applicant pursuant to Decision 52290, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 12th day of DECEMBER, 1978.

Robert Batimand
President
William J. Lyons
Vernon L. Sturgeon
Robert A. Givall
Clair T. DeSoto
Commissioners

MARK A. BOZAICH
(an individual)
dba
SACRAMENTO AUTO TRUCK CO.

Mark A. Bozaich, an individual, doing business as Sacramento Auto Truck Co., 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:

- I. Between all points and places on or within ten (10) statute miles of the following routes:
 - (1) State Highway 16 between Madison and Sacramento, inclusive;
 - (2) State Highway 128 between Winters and Davis, inclusive;
 - (3) Interstate Highway 505 between its intersection with State Highway 16 near Madison and its intersection with Interstate Highway 80 near Vacaville, inclusive;
 - (4) State Highway 113 between Woodland and its intersection with Interstate Highway 80 near Davis, inclusive;
 - (5) Interstate Highway 80 between Fairfield and Sacramento, inclusive.

Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

- 1) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

Issued by California Public Utilities Commission.

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MARK A. BOZAICH
(an individual)
dba
SACRAMENTO AUTO TRUCK CO.

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.

(END OF APPENDIX A)

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