

SEG/DLL

Decision No. 89872 .JAN 16 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application )  
of Thompson Transport Systems, )  
Inc., a corporation, to obtain ) Application No. 58226  
operating authorities under the ) (Filed July 12, 1978)  
provisions of Section 1064 of the )  
Public Utilities Code. )

O P I N I O N

Applicant is a highway common carrier operating pursuant to a certificate of public convenience and necessity granted by Decision 80002, dated May 2, 1972 in Application 53123 and subsequently amended pursuant to Decision 80326, dated August 1, 1972. This certificate authorizes the transportation of commodities dealt in by retail and wholesale grocery establishments between the Los Angeles Territory and Buena Park, on the one hand, and on the other hand, all points and places on and within twenty (20) statute miles of eight highways located in Kern, Tulare, Kings and Fresno counties. Transportation under this certificate is limited to commodities requiring temperature control to protect from heat or cold, which restriction was added by the amendment noted above.

This authority is the subject of a Certificate of Registration issued by the Interstate Commerce Commission in Docket No. 121692 which authorizes coextensive operations in interstate and foreign commerce. The applicant also holds a cement carrier certificate granted pursuant to Decision 89030, dated June 27, 1978 in Application 57845 and a radial highway common carrier permit, highway contract carrier permit and dump truck carrier permit issued by this Commission under File T-75119.

The applicant is requesting that the limitation authorizing only the transportation of commodities requiring temperature control be removed from the certificate. This will result in an extension of the operating rights. It contends that few of the commodities

named in the certificate require temperature control protection and a mandatory requirement for such service is contradictory and tends to negate much of the authority the applicant now holds. Notice of the filing of the application appeared in the Commission's Daily Calendar of July 18, 1978. No protests to the application have been received.

Applicant's Balance Sheet dated May 31, 1978 indicates a net worth of \$311,462. Its Income Statement dated the same date shows a net loss of \$11,278 for the first half of 1978 before taxes.

Findings

1. Applicant has the experience and financial resources to maintain the proposed service.
2. Public convenience and necessity require that the temperature control restriction be amended as prayed for as to operations in intrastate commerce 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 intrastate operations authorized by this decision.
3. Applicant's amended authority should be the subject of an in-lieu certificate.

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

Applicant is placed on notice that the 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 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 Thompson Transport Systems, 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 80002 as amended by Decision 80326, 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 16<sup>th</sup>  
~~JANUARY~~  
day of \_\_\_\_\_, 1979.

Jules B. ...  
President  
Richard D. ...  
Paul T. ...

Commissioners

Thompson Transport Systems, Inc., a California corporation, 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 specified commodities as follows:

- I. Commodities dealt in by retail and wholesale grocery establishments as listed in the National Motor Freight Classification A-12, William Herbold, Issuing Officer, on the issue date thereof, as follows:

WHEN REQUIRED, TEMPERATURE CONTROL FROM HEAT OR COLD  
MAY BE ACCORDED.

BAKERY GOODS, as described in Items 21160 through  
21230.

CANDY OR CONFECTIONERY, as described in Items 39900  
through 40100.

CASINGS, as described in Items 172440 through 172480.

CEREAL FOOD PREPARATIONS, as described in Items 42300  
through 42435.

CHEMICALS, as described in Items 42600 through 47430.

DAIRY PRODUCTS, as described in Items 55360 through  
55660.

DECORATIONS, as described in Items 55760 through 56280.

DRUGS, MEDICINE OR TOILET PREPARATIONS, as described  
in Items 58500 through 60006.

FEED, ANIMAL OR POULTRY, as described in Items 66700  
through 67882.

FISH, FROZEN, as described in Items 69700 through  
69980 (excluding fresh fish).

FOODSTUFFS, BEVERAGES OR BEVERAGE PREPARATIONS, NOT  
NAMED IN OTHER MORE SPECIFIC GROUPS, NOT COLD-PACK  
NOR FROZEN, UNLESS OTHERWISE SPECIFIED, as described  
in Items 72000 through 75490.

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GRAIN PRODUCTS, as described in Items 89300 through 89770.

LIQUORS, BEVERAGE, as described in Items 111400 through 111510.

MEATS, COOKED, CURED, PRESERVED: LARD: LARD SUBSTITUTES: RENDERED PORK FATS: OR DRESSED POULTRY, as described in Items 134400 through 134890 (excluding fresh meats).

NUTS, EDIBLE, as described in Items 141600 through 141860.

OILS, OTHER THAN PETROLEUM, as described in Items 144600 through 145510.

PASTE, as described in Items 154700 through 154800.

PETROLEUM OR PETROLEUM PRODUCTS, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, as described in Items 155100 through 155360.

PLASTIC OR RUBBER ARTICLES, as described in Items 156500 through 157205.

WAX, as described in Items 196560 through 196880.

MISCELLANEOUS COMMODITIES, VIZ.:

Bleach, laundry, as described in Item 24080.

Bluing, laundry, as described in Items 24330 through 24350.

Buffing or polishing compounds, as described in Item 33440.

Cabinets, dispensers or holders, as described in Item 39230.

Candles, as described in Item 39810.

Cellulose film or film products, as described in Items 41820 through 41870.

Charcoal and charcoal briquettes or pellets, as described in Items 42470 through 42480.

Cigar or cigarette lighter liquids or pastes, as described in Item 47720.

Cleaners, tobacco pipe, as described in Item 48560.

Cleaning, scouring or washing compounds, as described in Items 48580 through 48582.

Combs, as described in Item 50040.

Confectioners' colorings, as described in Item 50026.

Cordage, as described in Items 53390 through 53393.

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Liquors or liquids, nonalcoholic, as described in Item 111600.  
Mats, as described in Items 134220 through 134260.  
Notions, as described in Item 141120.  
Pipe stems or mouthpieces, or cigar or cigarette holders, as described in Item 155730.  
Pipes, tobacco, as described in Item 155740.  
Popcorn, as described in Item 89150.  
Rennet extract, as described in Items 169320 through 169340.  
Starch, as described in Items 178720 through 178760.  
Steel wool, as described in Items 101260 and 200160.  
Stoppers, bottle, as described in Item 179480.  
Tires or tubes, rubber, as described in Items 157220 through 157238.  
Toasters, as described in Item 101420.  
Wrappers, as described in Items 200220 and 41820.

Transportation is authorized BETWEEN Buena Park and points in the Los Angeles Territory, as described in Note A hereof, on the one hand, and, on the other hand, all points and places on and within 20 statute miles laterally of the following highways:

1. Intersection of State Highways 99 and 166, thence to Taft via State Highways 166 and 33, inclusive;
2. State Highways 58 and 178 between McKittrick and Isabella, inclusive;
3. State Highway 119 between Greenfield and Taft, inclusive;
4. State Highway 155 between Isabella and Kernville, inclusive; and
5. State Highway 99 between Mettler and Fresno, inclusive.

## NOTE A

## LOS ANGELES TERRITORY

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City

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of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street; south on Buena Vista Street and due south on a prolongation thereof to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

(END OF APPENDIX A)

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