

Decision No. 90117

MAR 27 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of PAK MOVING, INC., for an)	Application No. 58491
extension of its certificate of)	(Filed November 29, 1978
public convenience and necessity)	Amended January 12, 1979
authorizing operations as a)	and February 1, 1979)
highway common carrier.)	

O P I N I O N

Applicant is a California corporation presently operating under a certificate of public convenience and necessity as a highway common carrier. The certificate was granted to applicant pursuant to Decision 89141 dated July 25, 1978 and authorizes the transportation 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 San Francisco Territory on the one hand, and on the other hand, points on and within 10 statute miles of Interstate Highway 80 between Vallejo and Vacaville and on State Highway 12 between Fairfield and Rio Vista. Applicant also operates under permits issued by this Commission under File No. T-103,861.

Applicant has applied herein for an extension of its highway common carrier certificate to authorize transportation of general commodities over nine (9) routes in the area of Central California described above, and between Costa Mesa on the one hand and Los Angeles, Suisun City and Benicia, on the other hand.

Applicant will provide a daily service on 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 level as those contained in Minimum Rate Tariff 2 and other applicable minimum rate tariffs of the Commission.

A. 58491 - FS

Applicant's operating equipment includes four tractors, three van trucks, one flat-bed truck and trailer, five van semitrailers and one flat-bed semitrailer.

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 notice of the filing of the application appeared in the Commission's Daily Calendar of November 30, 1978. A copy of the original application was filed with the Interstate Commerce Commission and published in the Federal Register of December 21, 1978. A protest was filed by Hatfield Trucking Service, Inc. Protest was withdrawn after the applicant agreed to include a restriction against the transportation of shipments to or from the extended area, having a prior or subsequent movement by air.

The applicant's principal place of business is at Suisun, California and its balance sheet as of August 31, 1978 shows a net worth of \$182,288. Net income after taxes for 11 months ending August 31, 1978 is \$53,479 out of a total operating revenue of \$388,078.

Applicant indicates that the character of the service this carrier is providing, and the number of shippers being served, is steadily changing. A highway common carrier certificate of public convenience and necessity is more suited to its present operations along the routes embraced by the application than the present mixed certificate and permitted operation.

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.

A. 58491 - FS *

3. A public hearing is not necessary.

4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The Commission concludes that the application, as amended, 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 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 PAK Moving, 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.

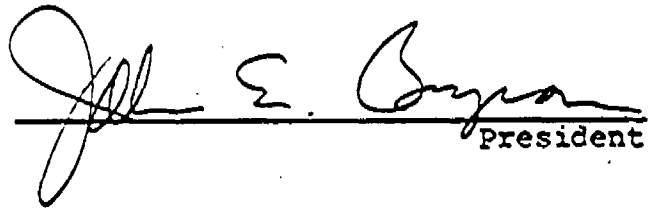
- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California 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.

A. 58491 - FS

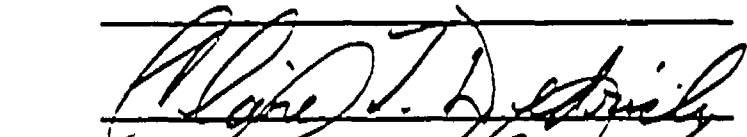
3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision 89141 which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

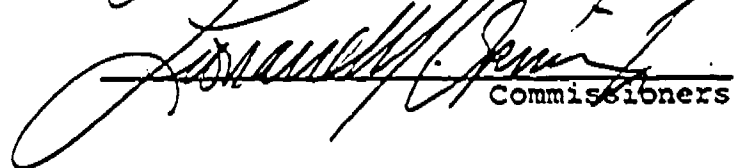
The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 27th
day of MARCH, 1979.



President





Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

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 San Francisco Territory as described in Note 1 hereof and between all points within ten (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;

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Decision 90117 | Application 58491.

- (i) State Highway 37, between U.S. Highway 101 and Interstate Highway 80, inclusive;
- (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:

- 1. Between all points and places in the San Francisco Territory as described in Note A hereof, on the one hand, and, on the other hand, all points and places on or within ten (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 its junction with State Highway 99 near Lodi, inclusive;
 - (c) U.S. Highway 101 between Santa Rosa and San Francisco, inclusive;

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Decision 90117 ; Application 58491.

- (d) State Highway 37, between Ignacio Junction and Vallejo, inclusive;
 - (e) State Highway 29 between Napa and Vallejo, inclusive;
 - (f) State Highway 113 between Yuba City and its junction with Interstate Highway 80 near Davis, inclusive;
 - (g) State Highway 99 between Yuba City and Sacramento, inclusive;
 - (h) Interstate Highway 5 and State Highway 99 between Sacramento and Stockton, inclusive;
 - (i) Interstate Highways 5, 205, and 580 between Oakland and Stockton, inclusive;
 - (j) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive.
2. Between Costa Mesa, on the one hand, and Los Angeles, Suisun City and Benicia.

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, briefcases, 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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Decision 90117, Application 58491.

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.
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.

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.

Issued by California Public Utilities Commission.

Decision 90117 ; , Application 58491.

Service between Costa Mesa and Benicia shall be restricted against the transportation of shipments of hydrotherapy baths, parts and accessories, motor assemblies, fibreglass shells and tubs, shower stalls, redwood tubs and heaters, except when tendered to or received from water, rail or motor carrier for further transportation.

Services shall be restricted against the transportation of shipments having an immediately prior or subsequent movement by air to or from points listed in paragraph 1(a) between San Francisco and Novato and in paragraphs 1(b) through 1(i).

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

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Decision 90117, Application 58491.

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 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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Decision 90117; Application 58491.