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Decision No. 90165 APR 10 1979

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ALCAL DELIVERY, INC., a corporation,)
for an order modifying its certifi-)
cate of public convenience and)
necessity to exclude therefrom cer-)
tain transportation.)

Application No. 58674
(Filed February 14, 1979)

O P I N I O N

Alcal Delivery, Inc. (Alcal), a California corporation, operates as a highway common carrier under a certificate of public convenience and necessity granted by Decision No. 89285 in Application No. 58127. That certificate authorizes the transportation of general commodities, with numerous exceptions (including used office equipment, uncrated), between all points and places in and within 10 statute miles of the boundaries of San Francisco Territory

Alcal requests, pursuant to Sections 1063 and 1064 of the Public Utilities Code, modification of its certificate to remove from that certificate the transportation of new and used copying, reproduction, telecommunication, and computer equipment and related components, parts, accessories, materials, or supplies. Such commodities in used form are already excluded from Alcal's certificate.

The application herein alleges that the transportation sought to be excluded from Alcal's certificate is a highly specialized service which is not required by the general public but which is required by large wholesale merchandisers and manufacturers of such commodities. Such shippers have special service and billing needs not required by the general public. The services required by such shippers assertedly are not the kind of services normally provided by certificated carriers. Alcal desires to perform the transportation service as a permitted carrier. Alcal has applied for authority to deviate from the minimum rates for Xerox

Corporation (Xerox) in Application No. 58636. Only a small portion of the authority requested in Application No. 58636 is within Alcal's present certificated area.

Alcal alleges that Xerox has developed rate structures and procedures which it utilizes throughout most of the United States. However, California tariff and rate regulation prevents Xerox from using these rate structures and procedures in California, without special rate deviation authority. The rates and rules proposed to be used under Application No. 58636 are based upon a "per-unit" rate which follows the format utilized by Xerox in other regions of the United States for transportation of Xerox machines and related equipment.

Alcal requests that this application be processed concurrently with Application No. 58636, and that both applications be granted by ex parte order. Notice of the filing of both applications appeared on the Commission's Daily Calendar and copies were furnished to California Trucking Association. There are no protests.

After consideration, the Commission finds that public convenience and necessity no longer require the services of the applicant for the transportation of the aforementioned commodities as a highway common carrier, and concludes that the application should be granted. However, such conclusion should not be construed as a policy determination with respect to future petitions to exempt certain commodities from the provisions of a certificated operating authority. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 89285 in Application No. 58127 is amended by substituting First Revised Page 1, attached hereto and by this reference made a part hereof, in place and instead of Original Page 1.

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2. Within sixty days after the effective date hereof and on not less than five days' notice to the Commission and to the public, applicant shall amend its tariff on file with the Commission to reflect the amended authority herein granted.

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

Dated at San Francisco, California, this 10th day of APRIL, 1979.

John E. Boyson
President
James L. Stinson
Robert D. Howell
Robert T. Wright
James M. Jan
Commissioners

Alcal Delivery, 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 as follows:

- I. Between all points and places in and within 10 statute miles of the boundaries of San Francisco Territory as described in Note A hereof.

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, and new office 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).
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.

Issued by California Public Utilities Commission.

Decision No. 90165, Application No. 58674.