

Decision No. 90246 APR 24 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of BRUCE G. HEADY, doing business)
as COVELO TRANSPORTATION, for a)
certificate of public convenience)
and necessity authorizing the)
transportation of general commod-)
ities, with certain exceptions,)
between certain points within)
the State of California.)

Application No. 58558
(Filed December 29, 1978)

O P I N I O N

Bruce G. Heady, an individual, doing business as Covelo Transportation, requests an extension of his existing authority to operate as a highway common carrier. The carrier presently holds a certificate transferred to him by Decision 72417, dated May 16, 1967 in Application 49233. The certificate authorizes transportation of general commodities with the usual exclusion from Ukiah over U. S. Highway 101 to Willits and Longvale, thence northeast on Mendocino County Roads to Dos Rios, Covelo and Eel River Ranger Station and within a radius of ten statute miles of such routes and points. The certificate is registered with the Interstate Commerce Commission in Docket No. MC 120835 (Sub No. 1).

By this application, the applicant requests the addition of the following operating authority and a finding that public convenience and necessity also requires coextensive service by the carrier in interstate and foreign commerce:

Between all points and places located on or within ten miles laterally of the following routes:

- (a) State Highway 162 between Longvale and Willows, inclusive;
- (b) U. S. Highway 5 between Redding and Sacramento, inclusive;
- (c) State Highway 20 between Willits and its intersection with State Highway 1, inclusive.

Applicant's proposed service would be on a daily on-call basis, five days a week, and would be performed in intrastate, interstate and foreign commerce. He proposes to publish rates, rules, and regulations the same as set forth in Minimum Rate Tariff 2, and such other Commission minimum rate tariffs as may be applicable to the transportation herein proposed, upon the grant of the sought authority.

In support of the application, the applicant alleges that the application was filed because of request of shippers for further service to the proposed points. Numerous requests have been received by applicant that it transport additional traffic and increase the frequency of operations to the proposed points which are now being served under his highway carrier permitted authority.

Applicant's volume of business has increased continuously since the transfer of authority in Decision 72417.

In view of the aforementioned growth and expansion of shippers and volume of traffic and frequency of service, applicant believed that highway common carrier status should be obtained to adequately fulfill the ever-increasing needs for service to its shippers, and to assure the continued legality of the operation.

A substantial portion of the public, both in intrastate and interstate and foreign commerce, now demands applicant's service on a regular daily basis to the points herein concerned; therefore, the grant of this application will be responsive to public convenience and necessity.

A copy of the application has been provided to the California Trucking Association and a number of for-hire carriers with whom the proposed service may compete. Notice of the filing of the application appeared in the Commission's Daily Calendar of January 3, 1979 and was published in the Federal Register on February 23, 1979. No protests to the application have been received.

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.

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

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 should be granted as set forth in the ensuing order. 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 operations as published in the Federal Register.

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 Bruce G. Heady, an individual, doing business as Covelo Transportation, 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 certificate of public convenience and necessity transferred to applicant by Decision 72417, 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 24th day of APRIL, 1979.

John E. Boyer
President
Baron S. Steinman
Richard D. Gravelle
Clare J. Friedrich
James W. Perry
Commissioners

BRUCE G. HEADY
(an individual)
doing business as
COVELO TRANSPORTATION

Bruce G. Heady, an individual, doing business as Covelo Transportation, 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:

GENERAL COMMODITIES:

I. From Ukiah over U. S. Highway 101 to Willits and Longvale, thence northeast on Mendocino County Roads to Dos Rios, Covelo and Eel River Ranger Station, and points and places within a ten statute mile radius of those routes and points.

II. Between all points and places located on or within ten statute miles laterally of the following routes:

- (a) State Highway 162 between Longvale and Willows, inclusive;
- (b) U. S. Highway 5 between Redding and Sacramento, inclusive;
- (c) State Highway 20 between Willits and its intersection with State Highway 1, inclusive.

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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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. Articles of extraordinary value.
10. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
11. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

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12. Explosives subject to U. S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.
13. Fresh Fruits, Nuts, Vegetables, viz.:
 - Cotton, grain, oil, kernels, nuts, seeds
 - Popcorn, ear or shelled, not popped
 - Miscellaneous field crops
 - Citrus fruits
 - Deciduous fruits
 - Tropical fruits
 - Miscellaneous fresh fruits or Tree nuts
 - Bulbs or roots, with or without tops
 - Leafy fresh vegetables
 - Field dry ripe vegetables food seed
 - Miscellaneous fresh vegetables
 - Farm products

Empty container used in transportation of the above commodities and returning after outbound payload.

(END OF APPENDIX A)

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