

SEG/RI

Decision No. 90626 JUL 31 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of WIPFF TRUCKING, INC., a)
California corporation for a)
certificate of Public Conven-)
ience and Necessity authorizing)
highway common carrier service)
and to issue stock.)

Application No. 58814
(Filed April 20, 1979)

O P I N I O N

By its application WIPFF Trucking, Inc., a California corporation, requests authority to operate as a highway common carrier. It seeks to transport general commodities with the usual exceptions between points in the San Francisco-East Bay Cartage Zone and between all points and places on and within ten (10) statute miles of ten routes covering an area bounded on the north by San Rafael and Vallejo, on the east by Antioch and Walnut Creek and on the south by San Jose.

The applicant's president, Charles J. Wipff, is presently operating as a sole proprietor under a highway contract carrier permit issued by this Commission in File No. T-92,854, and at the present time is engaged in the transportation of freight between the points covered by the application, pursuant to said permit.

Applicant alleges that the public convenience and necessity requires the proposed service because of the existing needs of its potential shippers. Charles J. Wipff transports, under his highway contract carrier permit, a wide range of commodities within the territory encompassed by the application. The volume, regularity and number of shippers served pursuant to this permit has increased to the point that the operation resembles that of a highway common carrier as defined in Section 213 of the Public Utilities Code. Applicant also requests that we find that the public convenience and necessity requires the requested service in interstate and foreign commerce.

The proposed service will be conducted on Monday through Friday and, if requested on Saturday, rates to be assessed will be at a level which is comparable with those of competing motor carriers.

Charles J. Wipff, applicant's president, is presently operating sufficient equipment under his permitted authority to carry on the proposed operation. He intends to transfer his highway contract permit and title to the equipment to the corporation. Should additional equipment be required applicant will acquire same by purchase or lease.

Applicant seeks authority to issue 100 shares of capital stock, each share having a value of \$50.00, in order to provide working capital for the enterprise. All of the stock will be issued to Charles James Wipff. He will be the sole stockholder of Wipff Trucking, Inc., and its chief operating officer.

A pro forma balance sheet dated June 1, 1979 indicates a net worth of \$5000. Applicant indicates it has access to additional capital if required.

A copy of the application has been furnished to the California Trucking Association and the State of California (Traffic Department). Notice of the filing the application appeared in the Commission's Daily Calendar of April 23, 1979. No protests to the application have been received.

A copy of the application has been filed with the Interstate Commerce Commission under Section 206 (a) (6) of the Interstate Commerce Act and notice of the filing of the application was published in the Federal Register, issue of June 5, 1979.

FINDINGS

1. Applicant has the experience, equipment, and ability to provide 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. It can be seen with certainty that there is no possibility that the operation in question may have any significant effect on the environment.

4. The proposed stock issue is for a proper purpose.

5. The money, property or labor to be procured or paid for by the issuance of stock herein authorized is reasonably required for the purpose specified herein, which purpose is not in whole or in part, reasonably chargeable to operating expenses or to income.

The Commission concludes that the application should be granted as applied for. A public hearing is not necessary.

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 paid to the State 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. The authorization granted shall not be construed as a finding of the value of the company's stock or property, nor as indicative of amounts to be included in proceedings for the determination of just and reasonable rates.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Wipff Trucking, 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 so to do 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 rule 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.

The authority granted in this order to issue stock shall become effective when Wipff Trucking has paid the fee prescribed by Section 1904.1, of the Public Utilities Code, which fee is \$50. In other respects the effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, this 31st day of JULY, 1979.

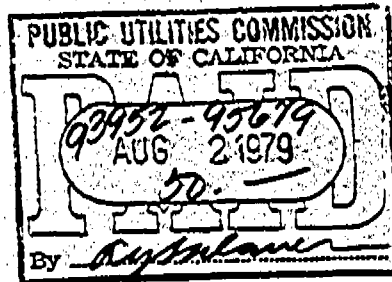
John E. Byron
President

Vernon L. Sturgeon

Robert P. Hoyle

Clayton J. DeFries

Lawrence J. Smith
Commissioners



Wipff Trucking, 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:

1. Between all points and places in the San Francisco-East Bay Cartage Zone as described in Note A hereof.
2. Between all points and places on and within ten (10) statute miles of the following routes:
 - (a) U.S. Highway 101 between San Rafael and San Jose, inclusive.
 - (b) State Highway 17 between San Rafael and San Jose, inclusive.
 - (c) Interstate Highway 280 between San Francisco and San Jose, inclusive.
 - (d) State Highway 82 between San Francisco and San Jose, inclusive.
 - (e) Interstate Highway 80 between San Francisco and Vallejo, inclusive.
 - (f) State Highway 24 between Oakland and Walnut Creek, inclusive.
 - (g) Interstate Highways 780 and 680 between Vallejo and San Jose, inclusive.
 - (h) State Highway 4 between Pinole and junction with State Highway 160, inclusive.
 - (i) State Highway 238 and Interstate Highway 580 between San Lorenzo and junction of Interstate Highway 680, inclusive.

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- (j) Interstate Highway 580 between junction Interstate Highway 80 and junction State Highway 238, inclusive.

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.

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).
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.

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

NOTE A

SAN FRANCISCO-EAST BAY CARTAGE ZONE

The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U.S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92

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to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)

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