

Decision No. 91347 FEB 13 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ZENITH TRANSPORTATION, INC, for a certificate of public convenience and necessity to operate as a highway common carrier.	)	Application No. 59036 (Filed August 1, 1979)
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O P I N I O N

By its application, as amended, Zenith Transportation, Inc., a California Corporation, seeks authority as a highway common carrier to transport general commodities with the usual exceptions between all points in a large number of counties in the State of California in intrastate commerce only.

Applicant is presently operating under a highway contract carrier permit issued by the Commission in File T-126,435, in an area generally embraced by San Francisco and Sacramento on the north and the Los Angeles Basin on the south. This constitutes a major part of the geographical area applied for. Applicant also holds a permit to operate as an agricultural carrier.

Applicant alleges that the current level and continuous growth of its business in the area applied for demonstrates a clear public need for the service proposed. Applicant now provides consistent service for more than fifteen (15) shippers on a regular basis. Applicant desires to be able to serve the shipping public in the same manner as it has for the past seven (7) years and believes that it requires a certificate of public convenience and necessity to continue to meet the needs of its shippers.

The applicant's financial statements of May 31, 1979 show a net worth of \$132,682 and an operating profit of \$27,018 for the twelve months ending May 31, 1979.

Applicant proposes to provide expedited service, Monday through Friday, for pickup and delivery of both truckload and less-than-truckload shipments moving to, from and between all points in the area applied for. Applicant will provide overnight service between all points within the scope of its certificated operations. Applicant operates nineteen (19) tractors and forty-two (42) units of trailer equipment. It is contemplated that all of this equipment will be utilized in the proposed operation.

Notice of the filing of the application appeared in the Commission's Daily Calendar of August 2, 1979. Applicant has served copies of the application upon the California Trucking Association, and certain certificated carriers with whom the proposed service is likely to compete. One protest was received which was withdrawn when the applicant amended the application to exclude Siskiyou County from the scope of the certificate. No additional protests have been received.

#### 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.
3. 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, and also that the applicant should be granted relief from the provisions of the Commission's Rules of Practice and Procedure which require wide distribution of the application.

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. Aside from their purely permissive aspects, such rights extend to the holder a full or partial monopoly

of a class of business. This monopoly feature may be modified or cancelled 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:

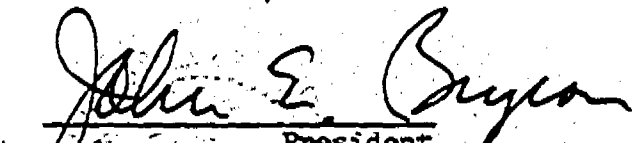
1. A certificate of public convenience and necessity is granted to Zenith Transportation, Inc., a California corporation, authorizing it to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendix A of this decision.
2. In providing 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 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 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.

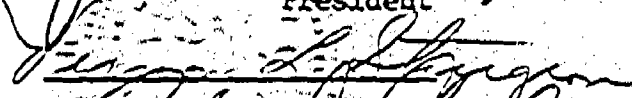
- (e) Applicant shall maintain its accounting records on a calendar-year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 of each year, an annual report of its 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 applicant is granted relief from the provisions of the Commission's Rules of Practice and Procedure which require wide distribution of the application.

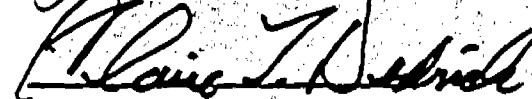
The effective date of this order shall be thirty days after the date hereof.

Dated FEB 13 1980, at San Francisco, California.

  
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President

  
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James L. Thompson

  
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Robert D. Cook

  
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Claire T. Smith

Commissioners

Commissioner Leonard M. Grimes, Jr.,  
being necessarily absent, did not  
participate.

Zenith Transportation, 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:

Between all points and places in the counties of Alameda, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Kern, Kings, Lake, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba.

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.

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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.
12. Explosives subject to U. S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.

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.

(END OF APPENDIX A)

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