

SW/NB

91392

MAR 4 1980

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 UNITED TRUCKING AND DELIVERY SERVICE, )  
 INC., a California corporation, for a )  
 Certificate of Public Convenience and )  
 Necessity pursuant to Section 1063, )  
 et seq., of the Public Utilities Code, )  
 to operate as a Highway Common Carrier )  
 for the transportation of property in )  
 intrastate commerce. )

Application No. 59247  
(Filed October 30, 1979)

O P I N I O N

Applicant, United Trucking and Delivery Service, Inc., a California corporation, is presently operating as a highway contract carrier pursuant to a permit issued by the Commission in File No. T-116,695. It seeks a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities, with certain exceptions, between all points and places within the Los Angeles Basin Territory, within the San Diego Territory, and between said territories, serving all points and places on and within ten miles laterally of Interstate Highways 5 or 15, or U.S. Highway 395; and between all such points and places within the said territories and Goleta, serving all points and places on and within ten miles laterally of U.S. Highway 101, as described in Exhibit B attached to its application.

Applicant proposes to provide the service herein requested on an "on-call" basis Monday through Friday, Saturdays and Sundays excluded and holidays excepted. Applicant will participate in the rates quoted in the Western Motor Tariff Bureau, Inc.

publications, including joint rates with other carriers. Applicant's operating equipment is set forth in Exhibit E to the application and consists of seven trucks, one van, and one station wagon. Its balance sheet as of August 31, 1979, set forth as Exhibit D attached to the application, shows total assets of \$64,786, total liabilities of \$39,660, and a net equity of \$25,126. A communication from applicant dated December 19, 1979, which has been placed in the formal file, sets forth its profit and loss statement for the six months ended August 31, 1979, during which period it earned \$5,081.20.

Applicant alleges that the frequency of its operation between certain points is approaching the level of service expected of a certificated highway common carrier, and that its shippers have requested that this service be expanded, so the application was filed to satisfy the expressed public need for an expanded service.

Applicant served a copy of the application on the California Trucking Association and notice of the filing of the application appeared in that association's official publication, "Caltrux", on November 12, 1979 under the heading of new filings. The application was listed in the Commission's Daily Calendar of November 1, 1979. By declaration forwarded to the hearing officer by its letter of December 12, 1979, it served copies of the application on that date on nine other carriers who may have some interest in this matter. No protests to the application have been received.

Findings of Fact

1. Applicant has the experience, equipment, personnel, and financial resources to initiate 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.

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.

4. A public hearing is not necessary.

Conclusion of Law

The Commission concludes that the application should be granted as set forth in the ensuing order.

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 the 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 modified or canceled 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 United Trucking and Delivery Service, 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 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 March 31 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 effective date of this order shall be thirty days after the date hereof.

Dated MAR 4 1980, at San Francisco, California.

John E. Bayson  
President

Deborah L. Peterson

Richard W. Hirsch

[Signature]

[Signature]  
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A UNITED TRUCKING AND DELIVERY SERVICE, INC. Original Page 1  
(a California corporation)

UNITED TRUCKING AND DELIVERY SERVICE, 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:

- A. Between all points and places within the Los Angeles Basin Territory described in Note A hereof and within the San Diego Territory described in Note B hereof and between said territories, serving all points and places on and within ten (10) miles laterally of Interstate Highways 5 or 15 or U.S. Highway 395.
- B. Between all points and places within the territory described in Paragraph A above and Goleta, serving all points and places on and within ten (10) miles laterally of U.S. Highway 101.

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 salesman'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.

Issued by California Public Utilities Commission.

Decision No. 91392, Application No. 59247.

UNITED TRUCKING AND DELIVERY  
SERVICE, INC  
(a California corporation)

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 trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A

LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to MacClay Avenue; northeasterly along MacClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly

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Decision No. 91392, Application No. 59247.

/NB

Appendix A

UNITED TRUCKING AND DELIVERY  
SERVICE, INC.  
(a California corporation)

Original Page 3

along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwestly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B

SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning.

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Decision No. 91392, Application No. 59247.