

APR 15 1980

Decision No. 91609

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of EDWARD L. HESTON doing busi- )  
ness as HESTON TRUCKING CO., for )  
an extension of his Certificate )  
of Public Convenience and )  
Necessity as a Highway Common )  
Carrier in intrastate commerce )  
and for a coextensive Certifi- )  
cate of Registration for inter- )  
state and foreign commerce, )  
pursuant to the provisions of )  
Sections 1063 and 1064 of the )  
Public Utilities Code of The )  
State of California. )

Application No. 59203  
(Filed October 12, 1979)

O P I N I O N

Applicant is an individual presently operating as a highway common carrier pursuant to a certificate of public convenience and necessity originally granted by Decision 75103 dated December 17, 1968 in Application 50668, and subsequently extended by Decision 84595 dated June 24, 1975 in Application 54315. The certificate authorizes transportation of general commodities in an area bounded on the north by Susanville, on the east by the California-Nevada boundary, on the south by Sacramento and on the west by Mineral on State Highway 36. The certificate is not registered with the Interstate Commerce Commission.

Applicant has applied herein for a certificate of public convenience and necessity to authorize transportation of general commodities, with the usual exclusions, and would expand his operating rights with the addition of certain routes which are extensions of the geographical area in the present certificate.

Applicant proposes to provide the service on a daily "on call" basis, Monday through Friday. The applicant proposes to provide Saturday delivery on request. At the present time, applicant conducts his highway common carrier operations under Western Motor Tariff Bureau, Inc., Agent, tariff publications.

He proposes to participate in those same tariffs for rates and charges in the extended territory to be served.

Applicant's operating equipment includes four tractor-trailer combinations, one extra trailer and one dolly. His balance sheet statement for the calendar year 1977, which sets forth applicant's financial status, indicates a net worth of \$49,339 based upon total current assets of \$138,430 and total current liabilities in amount of \$89,091.

In support of his proposed extension, applicant alleges that:

1. He has had continual and increasing numbers of requests from existing and prospective shippers for service to points on the additional routes involved;

2. He has also received numerous requests from existing shippers who want him to handle their shipments which move in interstate commerce. There appears to be a strong need for this type of service both in the existing area served as well as in the proposed extended area;

3. During the past few years, there has been a substantial increase in population and commercial activity within the area presently served by applicant, as well as in the extended area proposed to be included in his certificate authority.

Applicant requests relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. A copy of the application has been furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of October 16, 1979. No protests to the granting of the application have been received.

The Commission finds that:

1. Applicant has the experience, equipment and financial resources to institute and maintain the proposed service.

2. Public convenience and necessity requires that applicant be authorized to engage in operations in intrastate commerce, as proposed in the application, and also requires that the applicant

be authorized to engage in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by this decision and by Decisions 75103 and 84595.

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.

The Commission concludes that the application should be granted as set forth in the ensuing order and that the request for relief from the Commission's Rules of Practice and Procedure should also be granted. The territorial descriptions or routes in the authority granted reflect the names of redesignated highways and roads and do not in any way exceed the geographical scope of the proposed operation as published in the Federal Register. The new certificate granted herein will include all of the authority now held by applicant under his existing certificate which will be revoked by the order herein.

~~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 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 Edward L. Heston, an individual doing business as Heston Trucking Co., authorizing him 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 this 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 granted by Decision No. 84595, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

4. Applicant is granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested in the application.

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

Dated APR 15 1980, at San Francisco, California.

\_\_\_\_\_  
President

*James L. Stegman*

\_\_\_\_\_  
*Richard D. Harbo*

\_\_\_\_\_  
*Charles T. DeSantis*

\_\_\_\_\_  
*James W. Smith*  
Commissioners

Commissioner John E. Bryson,  
being necessarily absent, did  
not participate.

Edward L. Heston, an individual, 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 Sacramento and points located within five (5) statute miles thereof and all points and places on the following routes, or three (3) statute miles laterally thereof:
  1. State Highway 49 between Auburn and its junction with State Highway 70 at Vinton.
  2. State Highway 89 between Sierraville and its junction with State Highway 36, five (5) statute miles southwest of Chester.
  3. U.S. Highway 395 between Hallelujah Junction and Litchfield, including the off-route point of Herlong.
  4. Interstate Highway 80 between Newcastle and Colfax.
  5. State Highway 174 between Colfax and Grass Valley.
  6. State Highway 20 between Grass Valley and Rough and Ready.
  7. State Highway 36 between its junction with State Highway 89 (five (5) statute miles southwest of Chester) and Mineral; or alternately, via State Highway 172 to or from Mineral via Mill Creek.
  8. Lassen County Road A3 between Buntingville and Standish.

Issued by California Public Utilities Commission.

Decision 91609, Application 59203.

EDWARD L. HESTON  
(an Individual)  
doing business as  
HESTON TRUCKING CO.

Appendix A

Original Page 2

9. Gold Lake Road between Bassetts (Sierra County) and Graeagle (Plumas County).
  10. State Highway 36 between its junction with U.S. Highway 395 and Susanville.
  11. State Highway 70 between Blairsdan and Hallelujah Junction.
  12. Plumas County Road A-15 between State Highways 89 and 70.
- II. 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.
- III. 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.

Issued by California Public Utilities Commission.

Decision 91609, Application 59203.

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

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 91609, Application 59203.



DECISIONS NOS. 91610  
THRU  
DECISIONS NOS. 91699

} NOT USED