

Decision No. 92041 JUL 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CALIFORNIA CON- )  
TRACT CARRIERS for a certificate )  
of public convenience and neces- )  
sity to operate as a highway )  
common carrier. )

Application No. 59581  
(Filed April 10, 1980)

O P I N I O N

By its application California Contract Carriers, a California corporation, seeks authority as a highway common carrier to transport general commodities with certain exceptions within and between all California counties except Modoc, Mono and Inyo.

Applicant is presently operating under a highway contract carrier permit issued by the Commission under File No. T-129,545 and is transporting general commodities between the points and places covered by the application pursuant to said permit.

Applicant alleges that public convenience and necessity requires the proposed service because of the rapid increase in the number of its shippers. Applicant did not anticipate the pending requirement that contract carriers must file written contracts with the Commission and feels it could better serve an increasing segment of the shipping public as a highway common carrier.

Applicant's financial statements show a net worth of \$33,551.84 as of December 31, 1979, and a net income of \$8,643.84 for the five-month period ending January 31, 1980.

Applicant is now providing transportation service six days a week for approximately 28 different shippers. Applicant owns and is presently operating three tractors, six vans and two flatbed trailers.

Because of the extensive proposed area, and the vast number of potential competitive carriers, applicant requests the Commission to waive the service requirements of Rule 21 of the Rules of Practice and Procedure, which require wide dissemination of the application. Notice of the filing of the application appeared in the Commission's Daily Calendar of April 11, 1980. Copies of the application were furnished to the California Trucking Association and to the State of California Department of Transportation. No protests to the application have been received.

In justification of the certificated authority sought herein, applicant alleges that its three management personnel have been engaged in motor carrier transportation for varying periods of 21 to 32 years. Since 1978 under its highway contract authority it has consistently provided reliable service throughout virtually the entire state. Its customers have repeatedly requested service which is more that of a highway common carrier than of a contract carrier. These shippers require prompt and reliable overnight service. The population, commercial enterprise and shipping demand in the area covered by this application is steadily increasing.

#### FINDINGS

1. Applicant has the experience, equipment and ability to provide the proposed service.
2. It can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.
3. Public convenience and necessity require that applicant be authorized to engage in operations as a highway common carrier in intrastate commerce as proposed in the application.

The Commission concludes that the application should be granted as set forth in the ensuing order, and also relief granted from the requirements 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 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 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 California Contract Carriers, 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 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 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 JUL 15 1980, at San Francisco, California.

John E. Bryan  
President

William L. Stevenson

Michael W. Hoock

Clare J. DeFried

Arnold W. Jensen  
Commissioners

California Contract Carriers, 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:

Within and between the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Siskiyou, Sierra, 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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Decision 92041 1, Application 59581.

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.
13. Transportation of any commodity, the transportation or handling of which because of width, length, height, weight, shape, or size requires special authority from a governmental agency regulating the use of highways, roads, streets, in any motor vehicle or combination of vehicles.

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Decision 92041, Application 59581.

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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Decision 92041, Application 59581.