

ORIGINAL

Decision No. 92198 : SEP 3 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of GROSKOPF-WEIDER TRUCKING CO.,)
INC., for a certificate of public)
convenience and necessity)
authorizing operations as a)
highway common carrier.)

Application No. 59440
(Filed February 8, 1980;
amended May 2, 1980)

O P I N I O N

By this application Groskopf-Weider Trucking Co., Inc. seeks a certificate of public convenience and necessity pursuant to Sections 1063 and 1064 of the Public Utilities Code (Code) authorizing operations as a highway common carrier for the transportation of general commodities, with exceptions, between points and places in the San Francisco Territory, on the one hand, and, on the other hand, points and places in Napa, Sonoma, and Mendocino Counties.

Applicant presently holds, and is operating pursuant to a highway contract carrier permit and an agricultural carrier permit issued to it by the Commission under File No. T-61210. Applicant also holds a Section 1063.5 highway common carrier certificate issued pursuant to Senate Bill 860.

The proposed transportation will be daily, Monday through Friday, and will be provided on Saturdays upon request. The service proposed will be same day or overnight depending upon the time of day requests for service are received. The rates to be assessed will be on the same level as those contained in the Commission's Transition Tariff 2 and other applicable transition tariffs and minimum rate

tariffs. It is also proposed by applicant to perform service in both intrastate and interstate commerce, wholly within the State of California, and, therefore, it is requested that a specific finding be made that public convenience and necessity require the services in interstate and foreign commerce as well as in intrastate commerce.

Notice of the filing was published in the Commission's Daily Calendar of February 13, 1980, and also in the Federal Register of April 15, 1980 on page 25491.

By its amendment applicant seeks the following restriction on the authority it requests:

"Service shall be limited to shipments having a minimum weight of not less than 10,000 pounds, or which shall be billed at charges no less than those applicable to shipments having a minimum weight of not less than 10,000 pounds."

The equipment list attached to the application shows applicant has 15 tractors, consisting of six 2-axle and nine 3-axle tractors; two pickup trucks; ten dollies; and 35 trailers, consisting of 30 van type and five flatbed type.

The financial statements attached to the application reveal the following: As of September 30, 1979 the balance sheet shows a corporate net worth of \$204,854, total current assets of \$100,766, and total current liabilities of \$211,930, or a negative ratio of 0.48. If advances to affiliated companies, in the amount of \$135,242, are included in the current assets, then the current ratio improves to 1.11. The statement of income for the nine-month period ending September 30, 1979 shows a net profit after taxes of \$56,104 and retained earnings at the end of the period of \$140,263.

Applicant alleges that public convenience and necessity require the proposed service for the following reasons:

Applicant and its predecessor have operated a for-hire motor carrier service within the area embraced by the application since 1939. The transportation the applicant has been required to perform for the shipping public in its operative area has gradually increased since the inception which is reflected in the expansion of its fleet from two units of equipment to the large fleet set forth in Exhibit D attached to the application.

The area in which it conducts its operation has been growing, as have the requirements of the shipping and receiving public therein, particularly in the last several years. Many of the shippers and consignees being served by the applicant ship and/or receive traffic which moves in interstate or foreign commerce, in addition to that which is transported in intrastate commerce. Consequently, they require a carrier that is able to afford a complete service and is authorized to transport both intrastate and interstate shipments.

With the consistent and substantial growth applicant has experienced in the past and the anticipated continued expansion in the future, the authority requested is necessary to be able to assure it of an orderly growth in the future as the company has enjoyed in the past.

It is submitted by applicant that approval of this application will not have any adverse effect upon the human environment.

No protests have been filed.

Findings of Fact

1. A public hearing is not necessary.

2. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application, and also require that 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. Applicant has the experience, capability, and financial ability to inaugurate and conduct the proposed service.

4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

Applicant should be granted a certificate of public convenience and necessity to transport property in both intrastate and interstate commerce.

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 Groskopf-Weider Trucking Co., Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code between all points and places in the San Francisco Territory, on the one hand, and all points and places in Napa, Sonoma, and Mendocino Counties, on the other hand, as 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 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 effective date of this order shall be thirty days after the date hereof.

Dated SEP 3 - 1980, at San Francisco, California.

John E. Byrne
President
William L. Stevenson
Robert D. Howell
Clair J. DeLuca
James H. ...
Commissioners

Groskopf-Weider Trucking Co., 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 San Francisco Territory, as described in Note A hereof, on the one hand, and all points and places in the Counties of Napa, Sonoma and Mendocino, on the other hand.

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.

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Decision 92198 , Application 59440.

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. Logs.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
10. Transportation of fresh fruits, nuts, vegetables and unprocessed agricultural commodities.

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.

Restriction:

Service shall be limited to shipments having a minimum weight of not less than 10,000 pounds or which shall be billed at charges no less than those applicable to shipments having a minimum weight of not less than 10,000 pounds.

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Decision 92198, Application 59440-

NOTE A

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)

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Decision 92198, Application 59440.