

Decision No. 92341 OCT 22 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Raymond E. Skaggs, an individual, for a cement carrier certificate authorizing service to and within counties of Alpine, Amador, Del Norte, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Nevada, Plumas, Sierra, Siskiyou, Tehama, Trinity, Tulare, Tuolumne, and Yuba.

Application No. 59829  
(Filed July 24, 1980)

O P I N I O N

Applicant, Raymond E. Skaggs, an individual, presently operates as a cement carrier pursuant to a certificate of public convenience and necessity granted to him in Decision No. 84753. That certificate authorizes him to transport cement from any and all points of origin to all points and places within the counties of Alameda, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Marin, Mendocino, Monterey, Napa, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Sutter, and Yolo.

Applicant also operates as a dump truck carrier, as a highway contract carrier, and as a highway common carrier under an operative right converted from his former radial highway common carrier permit.

By this application, applicant seeks authority to geographically expand his cement carrier operations in order to provide service to 22 additional counties. The additional counties are: Alpine, Amador, Del Norte, Fresno, Glenn,

Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Nevada, Plumas, Sierra, Siskiyou, Tehama, Trinity, Tulare, Tuolumne, and Yuba. Attached to the application is a map which indicates the counties that applicant is now authorized to serve as well as the additional counties proposed herein. The map clearly shows that all of the counties involved, both present and proposed, are geographically contiguous.

According to applicant, service to the additional counties named above would be made available to customers on a daily "on call" basis. Exhibit "B" attached to the application shows that applicant owns and operates fourteen tractors and eight sets of hopper trailers and one set of flatbed trailers, which equipment would be used to transport cement to the proposed additional counties as well as to those counties now served under his existing operating authority.

The application shows that applicant now participates in bureau tariff rates published on his behalf by Western Motor Tariff Bureau, Inc., Agent. Applicant declares that if the additional authority sought herein is granted, the necessary tariff rates governing such cement transportation would likewise be published in that same bureau's tariffs.

In support of his application, applicant alleges that he has had approximately 15 years' experience transporting bulk commodities. The expanded authority sought will substantially increase his revenues and will allow for more efficient use of his present cement equipment.

Financial statements attached to the application show that, as of December 31, 1979, applicant had assets of \$470,014, and offsetting liabilities of \$273,273, resulting in a net worth of \$196,741. For the year 1979, applicant had gross revenues of \$940,074, total expenses of \$831,065, and an operating profit before income taxes of \$109,009.

Applicant also requests authority to deviate from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure which require service of such applications upon competing carriers. Applicant asserts that complying with this requirement would involve considerable time and expense, as there are over eighty cement carriers which serve one or more of the counties involved herein.

The certificate of service filed by applicant shows that copies of the verified application were mailed to both offices of the California Trucking Association. In addition, notice of the filing of the application appeared in the Commission's Daily Calendar. No protests have been received.

After consideration, the Commission finds that:

1. Applicant has the necessary experience, operating equipment, and financial resources to institute and maintain the proposed additional service.
2. Public convenience and necessity require that applicant be authorized to engage in operations as a cement carrier in intra-state 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.

The Commission concludes that the application should be granted as set forth in the ensuing order, and also that applicant should be granted the requested relief from the provisions of the

Commission's Rules of Practice and Procedure. The additional operating authority granted herein will be combined with applicant's existing authority and restated in an in lieu certificate in appendix form. Applicant's existing certificate 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 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 Raymond E. Skaggs, an individual, authorizing him to operate as a cement carrier, as defined in Section 214.1 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.

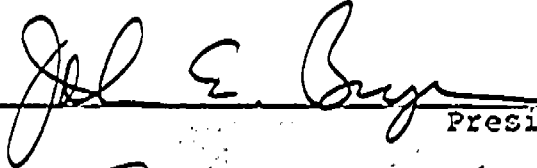
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and amend or file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of 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. 117- 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.

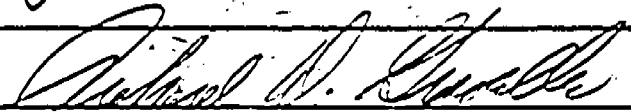
3. The certificate of public convenience and necessity granted in Paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 84753, which certificate is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 2(b).

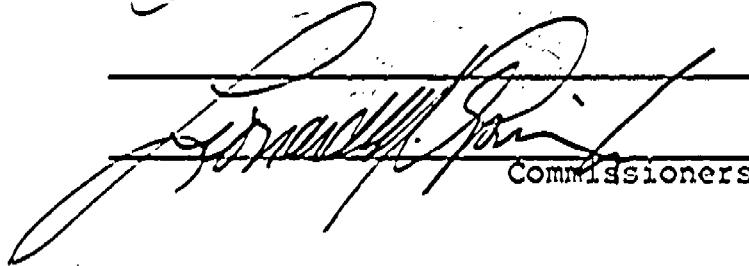
4. Applicant is granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested in the application.

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

Dated OCT 22 1980, at San Francisco, California.

  
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President

  
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Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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

Raymond E. Skaggs, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a cement carrier as <sup>defined</sup> ~~defined~~ in Section 214.1 of the Public Utilities Code, from any and all points to any and all points in the following named counties, subject to the following restriction:

|              |               |                          |
|--------------|---------------|--------------------------|
| Alameda      | Madera        | San Luis Obispo          |
| Alpine       | Marin         | San Mateo                |
| Amador       | Mariposa      | Santa Clara              |
| Butte        | Mendocino     | Santa Cruz               |
| Calaveras    | Merced        | Shasta                   |
| Colusa       | Modoc         | Sierra                   |
| Contra Costa | Monterey      | Siskiyou                 |
| Del Norte    | Napa          | Solano                   |
| El Dorado    | Nevada        | Sonoma                   |
| Fresno       | Placer        | Stanislaus               |
| Glenn        | Plumas        | Sutter                   |
| Humboldt     | Sacramento    | Tehama                   |
| Kings        | San Benito    | Trinity                  |
| Lake         | San Francisco | Tulare                   |
| Lassen       | San Joaquin   | <del>Yolo</del> Tuolumne |
|              |               | Yuba                     |

## RESTRICTION:

This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.  
Decision 92341, Application 59829.