

Decision No. 92618 JAN 21 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of WOOD'S VAN LINES, INC., a)
California corporation, to acquire)
a certificate of public con-)
venience and necessity from H.A.C.)
TRANSPORTATION COMPANY, a Cali-)
fornia Corporation.)

Application No. 59582
(Filed April 10, 1980)

O P I N I O N

H.A.C. Transportation Company, (seller) a California corporation requests authority to sell and transfer and Wood's Van Lines Inc., (purchaser) a California corporation, requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier. The certificate was granted by Decision 63574 dated April 17, 1962 in Application 44195 and authorizes the transportation of general commodities, with certain exclusions, between all points in San Francisco Territory, as described, and between said territory and certain routes in Alameda and Contra Costa Counties. It is the subject of a co-extensive Certificate of Registration issued by the Interstate Commerce Commission in Docket No. MC-121170 (Sub No. 1). Seller at present holds no other authority issued by this Commission.

Purchaser holds a highway common carrier certificate issued pursuant to Section 1063.5 of the Public Utilities Code, effective April 30, 1980 in Application GC2256. It authorizes the transportation of general commodities with certain exceptions between all points in the State of California. Purchaser also holds a highway contract carrier permit, a household goods carrier permit, and a seasonal agricultural permit, all under File No. T-113414.

The purchase and sale agreement, filed as Exhibit 7 of the application, provides for the payment of the sum of \$2,500 by the purchaser on consummation of the transfer.

Purchaser's balance sheet shows a net worth of \$107,329 as of January 31, 1980 with a net profit of \$35,360 for the five month period ending on that date.

Purchaser has the necessary equipment to conduct the proposed operation. The granting of this application will enable the purchaser to render a responsive service to its shippers and enlarge the scope of its activities.

Seller is a party to Pacific Coast Tariff Bureau, Agent, tariff publications to provide rates and rules for the operations under the certificate to be transferred. Purchaser will adopt the tariffs.

Inasmuch as the application seeks only to transfer an existing operating authority and will not result in any new or

extended operating authority, applicants have requested waiver of the provisions of the Commission's Rules of Practice and Procedure requiring wide dissemination of the application. A copy of the application has been furnished to the California Trucking Association. Notice of filing of the application appeared in the Commission's Daily Calendar of April 11, 1980. No protests have been received.

Findings of Fact

1. Purchaser has the necessary equipment, personnel, and financial resources to conduct the proposed operation.
2. The proposed sale and transfer of the certificate would not be adverse to the public interest.
3. There is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

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

The order which follows will provide for the revocation of the certificate held by H.A.C. Transportation Company and the issuance of an in lieu certificate in appendix form to Wood's Van Lines, Inc., a California corporation.

Purchaser is placed on notice that operating rights, as such, do not constitute a class of property which may be used as an element of value in rate fixing for any amount of money in excess of

that paid to the State 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 canceled at any time by the State which is not in any respect limited as to the number of rights which may be given. The authorization granted shall not be construed as a finding of the value of the rights authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. H.A.C. Transportation Company, a California corporation, may sell and transfer the operating rights referred to in the application to Wood's Van Lines, Inc., a California corporation. The authorization shall expire if not exercised by April 30, 1981, or within such additional time as may be authorized by the Commission.

2. Within thirty days after the transfer, the purchaser shall file with the Commission a written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that he has adopted or established, as his own, the rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be

concurrent with the transfer. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order 80-Series. Failure to comply with the provisions of General Order 80-Series may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Wood's Van Lines, Inc., 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, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision 63574 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchaser shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order 100-Series.

7. Purchaser 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.

8. Purchaser shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If purchaser 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 JAN 21 1981, at San Francisco, California.

John E. Byron
President
Michael D. Gervelle
Lawrence M. Smith

Commissioners

Wood's Van Lines, 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:

1. Between all points and places in San Francisco Territory as described in Note A hereof.
2. Between San Francisco Territory as described in Note A hereof, on the one hand, and the following points, on the other hand.
 - a. Points within a five (5) statute mile radius of the Pleasanton post office.
 - b. Points within a five (5) statute mile radius of the city limits of Livermore.
 - c. Points on and within one (1) statute mile laterally of Interstate Highway 580, between Dublin and Livermore.
 - d. Points on State Highway 24 between Oakland and Walnut Creek inclusive.
 - e. Points on State Highway 21 between Walnut Creek and Dublin, inclusive.
 - f. Points on unnumbered county highway known as Crow Canyon Road between San Ramon and Castro Valley, inclusive.
3. 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.

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4. The operating authorities hereinabove set forth in Paragraph 2 do not include the right to render service to, from or between intermediate points on Interstate Highway 580 between Dublin and Castro Valley on Interstate Highway 680 between Dublin and Mission San Jose nor on State Highway 84 between Sunol and Niles, except as otherwise provided.

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 staw matting).
2. 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.
3. 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.
4. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.

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5. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
6. Logs.
7. Fruits and vegetables having origin in fields of growth or from cold storage warehouses consigned to cold storage plants, canneries, packing sheds, packing houses or other processing facilities.
8. Cans, metal, tinplated or not tinplated, with or without ends.

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; southwesterly 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

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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 the point of beginning.

(END OF APPENDIX A)

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