

ORIGINAL

MAR 17 1981

Decision No. 92825

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of DRIVERS UNLIMITED, INC., doing business as WESTERN STANDARD TRANSPORT, a California corporation, for a certificate of public convenience and necessity pursuant to Section 1063, et seq., of the Public Utilities Code, to operate as a highway common carrier for the transportation of property in intrastate commerce.

Application No. 60090
(Filed November 14, 1980)

O P I N I O N

Drivers Unlimited, Inc., doing business as Western Standard Transport, and presently providing service as a highway contract carrier pursuant to a permit issued by this Commission under File No. T-124,076 requests authority to operate as a highway common carrier for the transportation of general commodities with certain exceptions, between all points within the State of California.

Applicant's terminal facilities are located in the city of Los Angeles and include one acre of yard space and secured dock space capable of accommodating 12 trucks. Applicant owns and operates 58 units of equipment and, as of July 11, 1980, shows a net worth of \$131,247.

Applicant proposes to provide a daily, "on-call", overnight service: Saturdays, Sundays, and holidays excepted.

As justification for the authority requested applicant alleges that it has operated between points throughout the State pursuant to its permitted authority; that it believes that its operations may be approaching that of a certificated highway common carrier; and

that certificated authority is necessary if applicant is to continue to meet the ever-increasing demands of its customers.

Copies of the application were served upon 57 certificated carriers operating within the State as well as upon the California Trucking Association on November 14, 1980. No protest has been received.

Findings of Fact

1. Applicant is presently operating as a contract carrier between points throughout the State of California. It holds no authority issued pursuant to Section 1063 of the Public Utilities Code.

2. Because of an ever-increasing demand for its service applicant believes that its operations may be approaching that of a highway common carrier.

3. Applicant possesses the necessary experience, facilities, equipment, and financial ability to provide service as a certificated carrier.

4. Copies of the application were served upon 57 certificated carriers operating within the proposed area and upon the California Trucking Association. No protest has been received.

5. Public convenience and necessity require applicant's service as a highway common carrier for the transportation of commodities moving in intrastate commerce between points within the proposed area. Applicant makes no request for a concurrent finding on commodities moving in interstate commerce. A public hearing is not necessary.

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

7. The following order complies with Commission's Energy Efficiency Plan.

Conclusion of Law

After consideration the Commission concludes that the proposed transfer would not be adverse to the public interest and should be granted.

Drivers Unlimited, Inc., doing business as Western Standard Transport, 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 Drivers Unlimited, Inc., a corporation, doing business as Western Standard Transport, 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 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 MAR 17 1981, at San Francisco, California.

John E. Gynn
President
Harold W. ...
Edward W. ...
Arthur ...
Commissioners

Appendix A

DRIVERS UNLIMITED, INC.
(a California corporation)
doing business as
WESTERN STANDARD TRANSPORT

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Drivers Unlimited, Inc., doing business as Western Standard Transport, 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 between all points in the State of California.

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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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.

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12. Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.
13. Transportation of fresh fruits, nuts, vegetables and unprocessed agricultural commodities.
14. 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 the highways, roads, or streets in any motor vehicle or combination of vehicles.

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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