

ORIGINAL

Decision No. 92831 MAR 17 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of John O. Mills,)
dba Big Valley Express, to)
operate as a highway common)
carrier.)
_____)

Application No. 59997
(Filed October 8, 1980)

O P I N I O N

John O. Mills (applicant), doing business as Big Valley Express, has applied under Section 1063 of the California Public Utilities Code for a certificate of public convenience and necessity as a highway common carrier. He seeks authority to transport general commodities (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and those requiring special equipment) to serve a route described as follows:

Between Redding and Alturas over Highway 299 and return serving all intermediate points and off-route points within 15 miles.

Concurrent with this application, applicant will seek a certificate of registration from the Interstate Commerce Commission (49 U.S.C. Section 10931).

Applicant alleges that the area embracing Redding, Alturas and intermediate points is developing rapidly both in terms of population and construction activity, thus increasing the movement of

general commodity traffic. Only one carrier presently provides a scheduled service between these points. Applicant claims that the increased traffic will create a need for the service of another carrier. Established long-haul carriers are assertedly not interested in handling this traffic due to the inconvenience of running a short-haul operation between Alturas and Redding.

Applicant anticipates that the majority of the traffic tendered will be intrastate. However, he intends to provide a connecting line service in conjunction with major interstate carriers.

He plans a daily pickup from shippers and interlining carriers in Redding with overnight delivery to Alturas and the intermediate and off-route points. Daily pickup service will also be provided in Alturas with overnight delivery to Redding.

Applicant has \$20,000 cash on hand. If the Commission grants this application, applicant will immediately purchase two tractors and four 27-foot trailers, as well as two converter gears. Furthermore, applicant intends to negotiate with an equipment lessor located in Redding, California, for additional equipment as needed.

Applicant intends to participate in Minimum Rate Tariff 2 (MRT 2). He has served a copy of this application on his only known competitor. No protest has been filed.

We take official notice that applicant has not filed notice of his application in the Federal Register. Until this has been accomplished, we have no jurisdiction under federal law to consider interstate public convenience and necessity. That question will therefore be disposed of by a supplementary order herein.

Findings of Fact

1. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also 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.

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

Conclusion of Law

The certificate should be granted as set forth in Appendix A attached hereto.

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 John O. Mills, doing business as Big Valley Express, authorizing him 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 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 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 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 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..


Since the application is unopposed, the effective date of this order is the date hereof.

Dated MAR 17 1981, at San Francisco, California.



President






Commissioners

John O. Mills
(an individual)
doing business as
BIG VALLEY EXPRESS

John O. Mills, an individual, 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 Redding and Alturas, California; from Redding to Alturas over State Highway 299 to Alturas and return over the same route serving all intermediate points and off route points within fifteen (15) statute miles of State Highway 299.

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. Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.

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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