

ORIGINAL

Decision No. 92879 APR 7 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Gelco Courier Services, Incor-)
porated, to modify Decisions 90076)
and 90688 for issuance of a com-)
bined and simplified and "in lieu")
certificate to operate as a freight)
forwarder and express corporation)
intrastate.)

Application No. 60097
(Filed November 19, 1980)

In the matter of the application of)
Gelco Courier Services, Incor-)
porated, to modify Decisions 90168)
and 90397 for the issuance of a)
combined and simplified certifi-)
cate to operate as a freight)
forwarder and express corporation,)
intrastate.)

Application No. 60107
(Filed November 24, 1980)

OPINION AND ORDER

By these applications Gelco Courier Services, Incorporated
(Gelco), an Illinois Corporation authorized to do business in
California, seeks authority to modify Decisions 90076, 90688, 90168
and 90397 by authorizing the issuance of a combined and simplified
certificate of public convenience and necessity to operate as a
freight forwarder and express corporation intrastate, and that the
Commission issue an order granting an "in lieu" certificate to operate
as a freight forwarder and express corporation.

Applicant alleges that the certificate issued by Decisions 90076 and 90688 in Application 58548 contains antiquated language which should be simplified and updated, and that the scope of commodities which may be transported and the restrictions on such transportation contained in the certificate issued by Decision 90168 in Application 58699 are different than those contained in the other certificate, leading to confusion and difficulty of interpretation. Applicant further alleges that Gelco, the public, and the Commission staff in its enforcement capacity, would be substantially benefited by a simple and concise restatement of Gelco's authority.

Applicant contends that recent federal legislative and judicial developments have altered the character of this Commission's regulation of intrastate freight forwarder and express activities. These developments have resulted from a desire to simplify regulatory requirements and enhance competitive forces. According to applicant no party or person will be prejudiced by this request.

The certificate of service indicates that copies of the applications were mailed to California Trucking Association on November 18 and 24, 1980. The results of the changes proposed in the applications will have no adverse impact on the Commission's transportation energy plan as set forth in Decision 92541.

Findings of Fact

1. The certificate issued by Decisions 90076 and 90688, in Application 58548, contains antiquated language which should be simplified and updated by granting an in lieu certificate.

2. The scope of commodities which may be transported and the restrictions on such transportation contained in the certificate issued by Decisions 90168 and 90397 in Application 58669 are different than those contained in the other certificate, leading to confusion and difficulty of interpretation which should be clarified.

3. Gelco, the public, and the Commission staff in its enforcement capacity, would be substantially benefited by the simple and concise restatement of Gelco's authority.

4. Recent federal legislative and judicial developments have altered the character of this Commission's regulation of intrastate freight forwarder and express activities. These developments have resulted from a desire to simplify regulatory requirements and enhance competitive forces. Such goals would be advanced by Gelco's restatement proposal.

5. No party or person will be prejudiced by this request.

6. The applications were listed on the Commission's Daily Calendars of November 21, and December 1, 1980, respectively.

7. No objection to the granting of the applications has been received.

Conclusion of Law

The proposed changes are justified. The following order complies with the Commission's Energy Efficiency Plan. A public hearing is not necessary.

Gelco Courier Services, Inc., 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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Gelco Courier Services, Inc., an Illinois corporation, authorizing it to operate as a freight forwarder as defined in Section 220 of the Public Utilities Code, and as an express corporation as defined in Section 219 of the Public Utilities Code, as specifically set forth in Appendix A of this decision.

2. The certificates of public convenience and necessity granted in paragraph 1 shall supersede those granted by Decisions 90076, 90168, 90397 and 90688; those certificates are revoked on the effective date of the tariff filings required by paragraph 3b.

3. In providing service pursuant to the authority granted by this order, applicant shall comply with and observe 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.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and 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 or 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 117-Series.

- (e) Applicant shall file with the Commission, on or before March 31 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 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 required by the General Order.

(g) Applicant shall comply with the requirements of the Commission's General Order 100-Series and the safety rules administered by the California Highway Patrol if applicant intends to operate a motor vehicle under this authority.

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

Dated APR 7 1981, at San Francisco, California.

John E. Guyer
President
Michael D. ...
Thomas M. ...
Victor ...
Patricia C. ...
Commissioners

T/RZE *

Appendix A GELCO COURIER SERVICES, INCORPORATED Original Page 1
(a corporation)

Gelco Courier Services, Incorporated, by the Certificate of Public Convenience and Necessity granted in the decision noted in the margin, is authorized to operate as an express corporation as defined in Section 219 of the Public Utilities Code (Code) and as a freight forwarder as defined in Section 220 of the Code, via the lines of any common carrier, from, to, and between all points within the State of California, subject, however, to the requirement that Gelco Courier Services, Incorporated, establishes door-to-door rates for service between all points of collection and distribution.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 92879, Applications 60097 and 60107.