

ORIGINAL

Decision No. 93010 MAY 5 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RODNEY E. POZAS, doing business as)
ROD'S TRUCKING CO., for a certificate)
of public convenience and necessity to)
operate as a highway common carrier)
for the transportation of general)
commodities, with certain exceptions,)
in intrastate commerce between points)
in California.)

Application No. 60227
(Filed January 28, 1981)

O P I N I O N

Rodney E. Pozas, an individual, doing business as Rod's Trucking Co., seeks a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities (1) between points within the Los Angeles Basin Territory, (2) between points within the counties of Alameda, Contra Costa, Sacramento, San Francisco, San Mateo, Santa Clara, and Solano, and (3) between points in (1) and (2) above.

A copy of the application was served on the California Trucking Association. Notice that it was filed appeared on the Commission's Daily Calendar. There have been no protests to the application.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Applicant presently holds highway contract carrier and agricultural carrier permits under File No. T-130072.
3. Applicant has about twelve units of trucking equipment including several tractors and semitrailers.

4. Applicant shows a net owner's equity of \$64,500, with gross operating revenues of almost \$145,000 for the eleven months ended November 30, 1980.

5. Applicant is familiar with the needs and requirements of shippers between the points in California for which he seeks a certificate because of his operations as a highway permit carrier.

6. Applicant has the technical and financial ability to conduct the proposed operations.

7. Applicant has received, and continues to receive, numerous requests from shippers for the movement of commodities between the points proposed to be served.

8. Public convenience and necessity require the proposed operations.

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

10. The following order complies with the guidelines in the Commission's Energy Efficiency Plan.

Conclusion of Law

Public convenience and necessity have been demonstrated, and the application should be granted as set forth in the ensuing order.

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 Rodney E. Pozas, an individual, doing business as Rod's Trucking Co., 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 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 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.

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

Dated MAY 5 1981, at San Francisco, California.

John E. Conroy
President
Richard W. [unclear]
[unclear]
Walter [unclear]
Phyllis C. [unclear]
Commissioners

Appendix A

Rodney E. Pozas
(an individual)
doing business as
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Rodney E. Pozas, 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:

- A. Between all points within the Los Angeles Basin Territory as described in Note A hereof.
- B. Between all points within the counties of Alameda, Contra Costa, Sacramento, San Francisco, San Mateo, Santa Clara and Solano, California.
- C. Between all points within the Los Angeles Basin Territory, on the one hand, and, on the other hand, between all points and places specified in Paragraph 2 above. Service is authorized to, from and between all intermediate points on and within 25 statute miles laterally of Interstate Highway 5 and to, from and between all intermediate points on and within 25 statute miles laterally of U. S. Highway 101, and to, from and between all intermediate points on and within 25 statute miles laterally of State Highway 99.

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 salesman'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, .

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- 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.
 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 high-way 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.

Appendix A

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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.
12. Transportation of fresh fruits, nuts, vegetables and unprocessed agricultural commodities.
13. 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 highways, roads, or streets, in any motor vehicle or combination of vehicles.
14. Transportation of liquid or semi-solid waste or other bulk liquid commodity in any vacuum type truck trailer.

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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Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

(END OF APPENDIX A)

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