

ORIGINAL

Decision 92503 SEP 1 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
TOTEM TRUCKING, INC., 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 60138
(Filed December 10, 1980)

O P I N I O N

Applicant, Totem Trucking, Inc. (Totem), is a corporation organized under the laws of the State of California. It now operates as a highway contract carrier under a permit issued in File T-132,755. Totem requests, under Public Utilities (PU) Code § 1063, that the Commission issue it a certificate of public convenience and necessity as a highway common carrier authorizing it to transport in intrastate commerce, general commodities, with the usual exceptions, between all points described in California.

Totem proposes to provide the service requested on an "on-call" basis Monday through Friday, with Saturdays, Sundays, and holidays excepted. Totem contemplates offering overnight service; it proposes Saturday delivery service upon request.

Upon approval, Totem proposes to become a party to all Western Motor Tariff Bureau, Inc., Agent, tariff publications as are necessary for publication of rates to cover Totem's operating rights, including joint rates with other carriers at convenient points of interchange.

Totem alleges that it has the financial ability to render the proposed service.

Totem claims that its equipment presently provides service between the points involved in this application under its permitted authority. If additional equipment is required to meet shipper demands, Totem promises to provide that additional equipment.

Totem alleges that the granting of this application will have no significant effect upon the quality of the human environment.

After service of the application on a list of other carriers holding highway common carrier certificates issued prior to the adoption of PU Code § 1063.5, a protest was filed by Peters Truck Lines. On April 23, 1981 the protestant agreed to withdraw its protest if applicant would withdraw that portion of its application dealing with points north of San Luis Obispo, Kern, and San Bernardino Counties. That modification is agreeable to applicant. We will issue a certificate to operate between all points in the undisputed territory.

Findings of Fact

1. Public convenience and necessity require that Totem be authorized to engage in intrastate commerce operations authorized by this decision.
2. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

Totem has demonstrated public convenience and necessity, and the application should be granted.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Totem Trucking, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points listed in Appendix A.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs within 120 days after this order is effective.
- c. State in its tariffs when service will start; allow at least 10 days' notice to the Commission; and make tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 80, 100, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariffs required by that General Order.

This order becomes effective 30 days from today.

Dated SEP 1 1981, at San Francisco, California.

John E. Guyon
President
Richard D. Stanley
Samuel W. Thomas
Arthur Baker
Wanda C. Green
Commissioners

Totem Trucking, 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:

Between all points in the counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institution furniture and fixtures.
2. Automobiles, trucks, and buses, new and used.
3. Ordinary livestock.
4. Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk in any tank truck or tank trailer.
5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Explosives subject to U.S. Department of Transportation Regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. 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.
14. Transportation of liquid or semi-solid waste, or any other bulk liquid commodity in any vacuum type tank truck or trailer.

In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of the service.

(END OF APPENDIX A)

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