

ORIGINAL

Decision 93501 SEP 1 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of J.A.S. TRUCK LINES, INC., a)
California corporation, for a)
certificate of public convenience)
and necessity to operate as a)
highway common carrier for the)
transportation of property in)
intrastate commerce.)

Application 60415
(Filed April 2, 1981;
amended May 20, 1981)

O P I N I O N

By this application, as amended, J.A.S. Truck Lines, Inc. (J.A.S.) seeks a certificate of public convenience and necessity to transport general commodities, with the usual exceptions, between all points in California in and south of San Luis Obispo, Kern, and San Bernardino Counties. No interstate authority is sought.

The application, as amended, states as follows:

1. J.A.S.'s president and sole stockholder, John A. Soucy, is currently operating as a contract carrier under File T-129,754 and is experienced in the field of truck transportation. He serves only one shipper. Numerous other shippers have requested him to provide common carrier service for them in the sought area. The corporation was formed to obtain the requested certificate and provide the common carrier service.
2. J.A.S. is aware of the restriction in Public Utilities (PU) Code § 3542 which prohibits the transportation of the same commodities between the same points both as a highway common carrier and as a highway contract carrier. Both it and its president in his highway contract carrier operation will abide by this restriction.

3. The proposed service would be on a daily on-call basis, Monday through Friday, excluding holidays. The service would be overnight.
4. J.A.S. will become a party to all applicable Western Motor Tariff Bureau tariff publications.
5. J.A.S. has sufficient owned and leased equipment and the financial ability to provide the proposed service. It and its president have the capability of obtaining additional equipment and capital should either or both be required.
6. There is a public need for the proposed service within the sought area.
7. The granting of the requested authority will have no significant effect on the environment.

As of March 1, 1981, J.A.S. had assets of \$34,618, liabilities of \$24,618, and a net worth of \$10,000. It owns one bobtail truck, two vans, two tractors, and a company car, and it leases nine 45-foot semitrailers.

The application and the amendment were each listed on the Commission's Daily Calendar, and a copy of the sought authority, as amended, was served in accordance with the Commission's procedural rules. There are no protests to the certificate sought in the application, as amended. We are of the opinion that the application, as amended, should be granted, subject to the PU Code § 3542 restriction referred to above.

Findings of Fact

1. Soucy is the president and sole stockholder of J.A.S. and operates as a highway contract carrier pursuant to Permit T-129,754 owned by him. Because of the common ownership, management, and control, an alter ego relationship exists between the two entities.

2. J.A.S. has the equipment, financial resources, and ability to provide the proposed service.

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.

4. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

5. Public convenience and necessity require the proposed operation.

6. A public hearing is not necessary.

Conclusions of Law

1. The application, as amended, should be granted as set forth in the ensuing order.

2. Because of the alter ego relationship between J.A.S. and the highway contract carrier owned and operated by Soucy pursuant to Permit T-129,754, J.A.S. should comply with the restriction in PU Code § 3542 which prohibits the transportation of the same commodities between the same points both as a highway common carrier and as a highway contract carrier.

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 applicant J.A.S. Truck Lines, Inc., (J.A.S.) a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points listed in Appendix A.

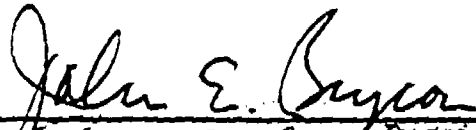
2. J.A.S. shall:

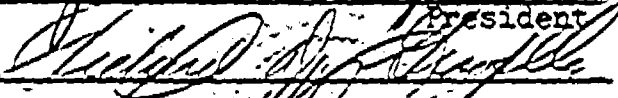
- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs within 120 days after this order is effective.
- c. State in its tariffs when service will start; allow at least 10 days' notice to the Commission; and 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 J.A.S. elects not to transport collect-on-delivery shipments, it shall file the tariffs required by that General Order.

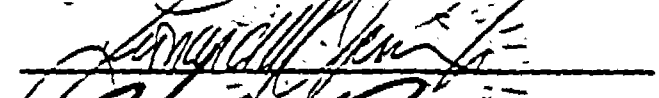
3. J.A.S. shall not, in conformity with PU Code § 3542, provide transportation of the same commodities between the same points both as a highway common carrier and as a highway contract carrier.


This order becomes effective 30 days from today.


Dated SEP 1 1981, at San Francisco, California.



President








Commissioners

J.A.S. Truck Lines, 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:

Within and between all points in the Counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, and Santa Barbara.

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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