

ORIGINALDecision 93505 SEP 1 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of James Russell Guthrie and)
Phillip Merenda, dba ECONOMY)
DELIVERY SERVICE, 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 Riverside, San)
Bernardino, Los Angeles and Orange)
Counties.)

Application 60427
(Filed April 9, 1981)

O P I N I O N

Applicants James Russell Guthrie and Phillip Merenda, a partnership, doing business as Economy Delivery Service, request a certificate of public convenience and necessity to operate as a highway common carrier between points in Los Angeles, Orange, Riverside, and San Bernardino Counties transporting general commodities, with a maximum of 4,000 lbs. per shipment, except used household goods, automobiles, trucks, buses, livestock, articles of extraordinary value, and explosives subject to the U.S. Department of Transportation's regulations governing the transportation of hazardous materials. No interstate authority is sought. The application was served on the California Trucking Association. Applicants also request waiver of Rule 37(a) of the Commission's Rules of Practice and Procedure, because of the extreme difficulty of finding and serving the many hundreds of possible competitors. No protests to the application have been received.

Applicants currently operate under a contract carrier permit (File T-129,975). The application shows they operate one tractor, one semitrailer, and three small trucks, which they intend to use in the proposed operation. Their profit and loss statement

for the year ended December 31, 1980, attached to the application shows that they grossed \$34,000 from trucking operations for that period, had a net profit of \$6,400, and had an operating ratio of 81.18%. As of December 31, 1980, they had assets of \$17,400, liabilities of \$7,000, and a net worth of \$10,694.

Applicants propose to provide daily service Monday through Friday and, upon request, weekend and holiday service. Shipments picked up one day normally will be delivered at destination the following day. The application states that the following conditions exist which applicants rely on to support their application:

1. Applicants have operated under a contract carrier permit transporting the same commodities and between the same points as requested in the application.
2. Applicants are familiar with the needs and requirements of shippers, consignors, and consignees in the southern California area sought to be served.
3. Applicants have received, and continue to receive, numerous requests from various shippers having shipments of the commodities involved in the application.
4. Applicants feel that in order to satisfy the above requests, their operations would constitute that of a common carrier, and in order to continue to provide the service as requested by their customers, they seek a certificate to operate as a highway common carrier.

Findings of Fact

1. Applicants request a certificate of public convenience and necessity to operate as a highway common carrier in the transportation of general commodities with exceptions between the points more particularly set out above.
2. Applicants have the experience in the transportation of the requested commodities in the area to be served.

3. Applicants have received, and continue to receive, many requests to perform the transportation for which they seek a certificate.

4. Applicants have sufficient tractor and trailer equipment to perform the proposed service.

5. Applicants have sufficient equipment and financial ability to initiate and continue the proposed operation.

6. Public convenience and necessity require that the requested certificate be issued.

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

8. The environmental impact of the proposed action is insignificant.

9. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.

2. Applicants request for waiver of Rule 37(a) should be granted because of the extreme difficulty of determining and notifying many hundreds of possible competitors.

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 James Russell Guthrie and Phillip Merenda authorizing them to operate as a highway common carrier, as defined in PU Code Section 213, between the points listed in Appendix A.

2. Applicants 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 their 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 applicants elect not to transport collect-on-delivery shipments, they shall file the tariffs required by that General Order.

3. Applicants are relieved of having to comply with the notice requirements of Rule 37(a) of the Commission's Rules of Practice and Procedure.

This order becomes effective 30 days from today.

Dated SEP 1 1981, at San Francisco, California.

John E. Bryan
President
Richard W. Crowley
James W. Dennis
Arthur C. Green
Commissioners

Appendix A

JAMES RUSSELL GUTHRIE
AND PHILLIP MERENDA
(co-partners)
doing business as
ECONOMY DELIVERY SERVICE

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James Russell Guthrie and Phillip Merenda, by the certificate of public convenience and necessity granted in the decision noted in the margin, are 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 with a maximum of 4000 lbs. per shipment, as follows:

Within and between all points and places in the Counties of Los Angeles, Orange, Riverside, and San Bernardino.

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.

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Appendix A

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6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
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.

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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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