

Decision 93557 SEP 15 1981

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of Regan Distributors Transportation, )  
Inc. for a certificate of public con- )  
venience and necessity to operate as )  
a highway common carrier for the trans- )  
portation of food stuffs, grocery )  
supplies, farm equipment, and paper and )  
plastic articles in intrastate commerce )  
between points located in Alameda, Fresno, )  
Imperial, Kern, Kings, Los Angeles, Madera, )  
Monterey, Orange, Riverside, San Bernardino, )  
San Diego, San Francisco, San Mateo, Santa )  
Barbara, Santa Clara, Santa Cruz, Tulare, )  
and Ventura counties. )

Application 60441  
(Filed April 13, 1981)

O P I N I O N

Regan Distributors Transportation, Inc. (Regan), a California corporation, requests a certificate of public convenience and necessity to operate as a highway common carrier in the transportation of food stuffs, grocery supplies, farm equipment, and paper and plastic articles between points in Alameda, Fresno, Imperial, Kern, Kings, Los Angeles, Madera, Monterey, Orange, Riverside, San Bernardino, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Tulare, and Ventura Counties. A copy of the application was served on the California Trucking Association. Regan also requests relief from the service requirements of Rule 37(a) of the Commission's Rules of Practice and Procedure insofar as having to serve all common carriers with which the proposed service is likely to compete. No interstate authority is requested. No protests to the application have been received.

The application shows that Regan operates under an agricultural carrier permit and that it has operated as a private carrier of the commodities and between the points requested in the application. In the proposed operation Regan will use its present equipment which consists of 4 tractors, 4 refrigerated vans, and 1 small van truck. The balance sheet attached to the application shows that as of April 6, 1981 Regan had assets of \$156,244 and liabilities of \$120,091 for a net worth of \$36,153. Regan proposes to provide service Monday through Friday. Upon request it will provide weekend and holiday service. Same day or overnight service will be provided. Its rates will conform substantially to those found in the Commission's tariffs.

The application sets forth the following points in support of the application being approved:

1. Regan has operated as a private carrier of the commodities requested in the application between the points proposed to be served.
2. Regan is familiar with the needs and requirements of the prospective shippers, consignors, and consignees in the southern California area.
3. Regan has received and continues to receive numerous requests from various shippers having movements of the commodities involved in the application to and from the points requested.
4. Regan feels that in order to satisfy the above requests its operations would constitute those of a common carrier, and it therefore requests a highway common carrier certificate.

Findings of Fact

1. Regan requests a certificate of public convenience and necessity to operate as a highway common carrier in the transportation of commodities and between the points more particularly set out above.

2. Regan has experience in the transportation of the requested commodities in the area to be served.

3. Regan has received and continues to receive many requests to perform the transportation for which it seeks a certificate.

4. Regan has sufficient operating knowledge and equipment to initiate and continue the proposed operation.

5. Regan is financially able to perform the proposed service.

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. Regan's request for waiver of Rule 37(a) should be granted because it is virtually impossible to identify and serve all highway common carriers operating in the proposed area since the issuance of certificates pursuant to PU Code Section 1063.5.

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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Regan Distributors Transportation, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Public Utilities Code Section 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 Order 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.

3. Applicant is relieved from the necessity of complying with Rule 37(a) of the Rules of Practice and Procedure.

This order becomes effective 30 days from today.

Dated SEP 15 1981, at San Francisco, California.

John E. Guyon  
President  
Richard D. Marshall  
Thomas W. Jones  
Walter Carter  
Priscilla C. Yew  
Commissioners

Appendix A REGAN DISTRIBUTORS TRANSPORTATION, INC. Original Page 1  
(a California corporation)

Regan Distributors Transportation, 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 the following commodities within and between all points in the counties listed below:

1. Foodstuffs as described in Items 72,000 through 75490 of National Motor Freight Classification 100H, on its issue date.
2. Grocery Supplies viz: Cleaning compounds, soap, and related articles.
3. Farm Equipment viz: Farm implements and farm machinery, the transportation of which does not require a permit from a government agency regulating the use of the highways.
4. Paper and plastic articles used in conjunction with the production and transportation of foodstuffs.

Within and between all points in the counties of:

Alameda	Riverside
Fresno	San Bernardino
Imperial	San Diego
Kern	San Francisco
Kings	San Mateo
Los Angeles	Santa Barbara
Madera	Santa Clara
Monterey	Tulare
Orange	Ventura

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 93557 Application 60441.