

ORIGINAL

Decision 93558 September 15, 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PINTAIL TRUCKING, INC., for)
a certificate of public convenience)
and necessity authorizing operations)
as a highway common carrier.)

Application 60593
(Filed May 26, 1981)

O P I N I O N

Pintail Trucking, Inc. (Pintail) seeks a certificate of public convenience and necessity authorizing it to operate as a highway common carrier for intrastate transportation of general commodities, with certain exceptions listed in Exhibit A of the application, between points and places in California north of San Luis Obispo, Kern, and San Bernardino Counties.

Pintail is presently providing transportation services throughout California under highway contract carrier and dump truck carrier permits issued under File No. T-132156.

Pintail asserts the proposed transportation will be daily, Monday through Friday, and will be furnished on Saturdays, upon request. Time in transit for the service will be same day or overnight, depending upon the time of day requests for service are received. The rates proposed to be assessed will be, generally, on the same level as those contained in the Commission's Transition Tariff 2, and other applicable minimum rate and transition tariffs. Tariffs containing such rates, rules, and regulations will be filed upon receipt of the authority sought.

Pintail and its predecessor George A. Dejesus Trucking have operated as for-hire motor carriers in central California for 25 years, except for the period 1978 through 1980. The president and owner of Pintail, Virginia Dejesus, conducted the business of the predecessor with her husband, George A. Dejesus until his death in 1978. The operation was recommenced as Pintail in 1980. Mrs. Dejesus is assisted by her two sons, Steven and Jeff Dejesus. Steven Dejesus has been in business as a for-hire motor carrier since 1973.

Pintail asserts that its business has experienced a substantial growth since reestablishment of the service.

Exhibit C attached to the application shows the following financial facts:

As of December 31, 1980

Assets

Current	\$38,907
Fixed	13,464
Other	<u>10,676</u>
Total	<u>\$63,047</u>

Liabilities

Current	\$13,334
Long-Term	<u>23,788</u>
Total	\$37,122

Stockholders Equity	\$25,925
Liabilities & Equity	<u>\$63,047</u>

Also, from Exhibit C, cash receipts and disbursements for the five months ended December 31, 1980, are as follows:

Cash Receipts	\$289,527
Less Operating Disbursements	<u>263,076</u>
	\$ 26,451
Less Other Cash Disbursements	
(Interest expense, provision for income taxes)	<u>\$ 8,026</u>
Net Cash Receipts over Disbursements	<u>\$ 18,425</u>

The fleet of vehicles available to Pintail is listed in Exhibit D. The fleet includes 10 tractors, 11 semitrailers, and 10 pull-trailers. None of the foregoing are owned by Pintail. However, Pintail states that all are furnished under long-term lease or contract.

Notice of Pintail's application was published in the Commission's Daily Calendar of May 28, 1981. The California Trucking Association was served with a copy of the application on May 21, 1981. In addition, on June 16, 1981, Pintail notified some 18 common carriers with whom the proposed service is likely to compete. No protests to the application have been filed with the Commission.

Findings of Fact

1. A public hearing is not necessary.
2. Pintail presently has highway contract carrier and dump truck carrier permits under File No. T-132156.

3. Pintail has the ability, experience, equipment, and financial resources to perform the proposed service.

4. Public convenience and necessity require the service proposed by Pintail in intrastate commerce.

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

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

Conclusion of Law

Public convenience and necessity have been shown 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 Pintail Trucking, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 213, between the points listed in Appendix A.

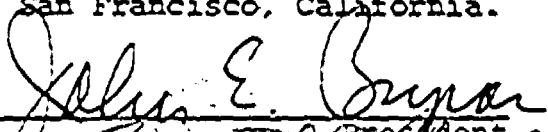
2. Applicant shall:

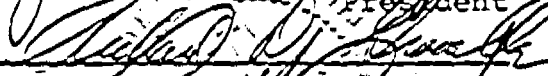
- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs within 120 days after this order is effective.


- 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 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.

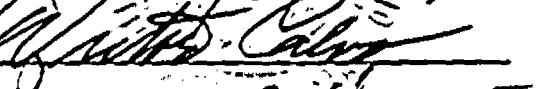
This order becomes effective 30 days from today.

Dated SEP 15 1981, at San Francisco, California.



President






Commissioners

Pintail 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 and places in the State of California north of the northern border of San Luis Obispo, Kern, and San Bernardino Counties.

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. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
7. Explosives subject to U.S. Department of Transportation Regulations governing the transportation of hazardous materials.
8. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.

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9. 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.
10. 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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