

ORIGINAL

Decision 93746 NOV 13 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. CARBAUGH TRUCKING, INC., a)
 California Corporation, dba)
 J. C. TRUCKING, INC., for a)
 Certificate of Public Convenience)
 and Necessity pursuant to)
 Sections 213 and 1063, et al. of)
 the Public Utilities Code, to)
 operate as a highway common carrier)
 for the transportation of property)
 in intrastate commerce.)

Application 60393
 (Filed March 25, 1981;
 amended May 18 and
 August 20, 1981)

O P I N I O N

J. Carbaugh Trucking, Inc., doing business as J. C. Trucking, Inc., presently operating as a highway contract carrier by a permit issued by this Commission under File T-131,645, requests authority to operate as a highway common carrier for the transportation of general commodities with the usual exceptions between certain points within the State, as more particularly set forth in Exhibit B attached to the application.

Applicant's principal place of business is located at Sacramento. Applicant has 10 units of operating equipment which include 8 tractors, and 2 van trucks. It leases trailers as needed from another highway carrier. As of June 30, 1981 its net worth was \$16,604 and its net income for the six-month period ended June 30, 1981 was \$69,439.

Applicant proposes a daily service Monday through Friday and will provide service on Saturday as needed. Applicant proposes to adopt the Commission's transition tariffs for rates, rules, and charges.

As justification for the authority requested, applicant alleges that:

It has essentially been performing the service under its contract authority, but the requirements and demands of the shippers have increased, which has raised the issue of whether the contract carrier authority is proper and adequate for the character of service it is affording the public. Applicant has been serving the area requested as a feeder service for other carriers and as a result has been requested by the people being served to serve them on a direct basis to and from points served directly by applicant. Documents of some shipments confirming the latter allegation are attached to the application as Exhibit G.

A copy of the application and the two amendments were served on the California Trucking Association. Notice of the filings appeared in the Commission's Daily Calendars of March 30, May 20, and August 25, 1981. No protests have been received.

Findings of Fact

1. Applicant is presently operating as a highway contract carrier.
2. Applicant has received and continues to receive numerous requests from various shippers having shipments between the points located in the area in which applicant seeks authority.
3. Applicant possesses the necessary experience, facilities, equipment, and financial ability to provide service as a certificated carrier.
4. Copies of the application and amendments were served upon the California Trucking Association. No protest has been received.
5. Public convenience and necessity require applicant's service as a highway common carrier for the transportation of commodities moving in intrastate commerce between points within the proposed area. Applicant makes no request for a concurrent finding on commodities moving in interstate commerce. A public hearing is not necessary.

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

7. The following order complies with the guidelines in the Commission's Energy Efficiency Plan.

Conclusion of Law

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 J. Carbaugh Trucking, Inc. authorizing it to operate as a highway common carrier, as defined in Public Utilities 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.

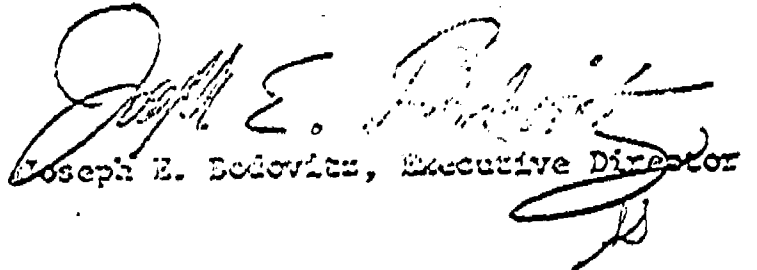
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariff provisions required by that General Order.

This order becomes effective 30 days from today.

Dated NOV 13 1981, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bolovitz, Executive Director

Appendix A

J. CARBAUGH TRUCKING, INC.
(a California corporation)
doing business as
J.C. TRUCKING, INC.

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J. Carbaugh Trucking, Inc., doing business as J. C. 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:

Within and between all points and places, and within 25 statute miles laterally, of the boundary of the following described territory.

Beginning at the City of Milpitas, thence west on State Highway 237 to its junction with U.S. Highway 101 near Mountain View; thence via U.S. Highway 101 to its junction with State Highway 116 at Petaluma; thence via State Highway 116 to its junction with State Highway 121 near Sonoma; thence via State Highway 121 to its junction with State Highway 12 south of Napa; thence via State Highway 12 to its junction with Interstate Highway 80 near Cordelia; thence via Interstate Highway 80 to its junction with Interstate Highway 505 near Vacaville; thence via Interstate Highway 505 to its junction with Interstate Highway 5 near Dunnigan; thence via Interstate Highway 5 to Anderson; thence back on Interstate Highway 5 to its junction with State Highway 99 at Red Bluff; thence via State Highway 99 to its junction with State Highway 149 near Durham; thence via State Highway 149 to its junction with State Highway 70 near Oroville; thence via State Highway 70 to its junction with State Highway 20 at Marysville; thence via State Highway 20 to its junction with Interstate Highway 80 near Yuba Gap; thence via Interstate Highway 80 to its junction with State Highway 89 at Truckee; thence via State Highway 89 to its junction with U.S. Highway 50, at Tahoe Valley; thence via U.S.

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Appendix A

J. CARBAUGH TRUCKING, INC.
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Highway 50 to its junction with State Highway 49 at Placerville; thence via State Highway 49 to its junction with State 108 at Sonora; thence via State Highway 108 to its junction with State Highway 99 at Modesto; thence via State Highway 99 to Turlock; back on State Highway 99 to its junction with State Highway 132 at Modesto; thence via State Highway 132 to its junction with Interstate Highway 580; thence via Interstate Highway 580 to its junction with State Highway 84 near Livermore; thence via State Highway 84 to its junction with State Highway 680 near Sunol; thence via Interstate Highway 680 to its junction with State Highway 237 east of Milpitas; thence via State Highway 237 to the point of beginning.

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Appendix A

J. CARBAUGH TRUCKING, INC.
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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.
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.

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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 semisolid 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 this service.

(END OF APPENDIX A)

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