

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TL-18248  
Transportation Division

RESOLUTION AMENDING ALL OUTSTANDING HIGHWAY COMMON CARRIER CERTIFICATES TO EXCLUDE TRANSPORTATION OF USED HOUSEHOLD GOODS AND PERSONAL EFFECTS, OFFICE, STORE, AND INSTITUTION FURNITURE AND FIXTURES

It has come to our attention that many outstanding highway common carrier certificates of public convenience and necessity contain language purporting to authorize operations which can only be lawfully performed by a household goods carrier. For example, several thousand such certificates which we granted to applicants under authority of Section 1063.5 [all references are to the Public Utilities Code] contain the following provision:

"(6) Transportation authorized by this certificate is for general commodities within the State of California excluding the following:

- "1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibre-board, or straw matting) except when transported in vehicles containing any other type of freight subject to this certificate." [Emphasis added.]

On September 12, 1979, Chapter 577, Statutes of 1979, an urgency bill, became law upon signature by the Governor. Among other things, this bill amended Section 5112 so as to read as follows:

- "5112. The regulation of the transportation of used household goods and personal effects, office, store, and institution furniture and fixtures in a motor vehicle or motor vehicles over any public highway in this state shall be exclusively as provided in this chapter. Any provision of the Public Utilities Act or the Highway Carriers' Act in conflict with the provisions of this chapter is superseded and repealed." [Emphasis added.]

Highway common carriers are regulated pursuant to the Public Utilities Act. Therefore, any purported grant of authority to an applicant to transport "used household goods and personal effects, office, store, and institution furniture and fixtures" (whether in any kind of packages or otherwise) as a highway common carrier would be moot and inoperative.

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Thus, the language contained in many certificates may be unnecessarily confusing to persons attempting to interpret the scope of carriers' operating authority.

On the same day that the amendment to Section 5112 became effective, September 12, 1979, we issued Decision 90817, postponing the issue date of all Section 1063.5 certificates which we had granted prior to that time. Thus, all Section 1063.5 certificates were "issued" after the effective date of the amendment to Section 5112.

Conclusions

1. All outstanding certificates of public convenience and necessity authorizing transportation of property as a highway common carrier should be amended to specifically exclude transportation of used household goods and personal effects, office, store, and institution furniture and fixtures.

IT IS ORDERED that:

1. Each outstanding certificate of public convenience and necessity authorizing transportation of property as a highway common carrier is amended to add the following provision:

"Notwithstanding any provision of this certificate to the contrary, this certificate does not authorize transportation of used household goods and personal effects, office, store, and institution furniture and fixtures."

This Resolution is effective today.

I certify that this resolution was duly adopted by the Public Utilities Commission at its regular meeting on OCT 28 1987.  
The following Commissioners voted favorably.

STANLEY W. HULETT  
President  
DONALD VIAL,  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

  
Executive Director