

**ORIGINAL**

Decision No. 68164

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of COMMERCIAL TRANSFER, INC., a  
California corporation, to be sub-  
stituted for FRESNO FREEWAY PROP-  
ERTIES, INC., a California corpo-  
ration, as the applicant for a  
"grandfather" cement carrier cer-  
tificate; or, in the alternative,  
that the Fresno Freeway Properties,  
Inc., "grandfather" cement carrier  
certificate be transferred to  
Commercial Transfer, Inc.

Application No. 46882  
Filed August 10, 1964

O P I N I O N

Commercial Transfer, Inc., and Fresno Freeway Properties, Inc. (hereinafter referred to as Commercial and Fresno, respectively), are California corporations owned and controlled by W. J. Fortier and R. A. Fortier and their families. By this application, Fresno seeks authority to transfer the "grandfather" cement carrier certificate issued to it for the Counties of Fresno, San Joaquin, Merced, Kern, Madera, Tulare, Sacramento and Kings, by Resolution No. 13821, Sub. No. 84, dated June 23, 1964, to Commercial. No consideration is involved in this matter, and there is no written agreement covering it.

The application states that Fresno conducts both transportation and nontransportation business; that the Fortiers, for business and personal reasons, formed a new corporation (applicant Commercial herein) to conduct the transportation business; that the permits held by Fresno have already been transferred to Commercial; that the requested transfer would not result in any change in the present service rendered to the shipping public; and that if the

sought authority were granted, Fresno will conduct no transportation operations and no duplication of operating rights to the applicants would result.

After consideration, the Commission finds that the proposed transfer will not be adverse to the public interest. A public hearing is not necessary.

Applicants allege that the transportation business can best be conducted by Commercial and request that they be authorized to accomplish the proposed transfer at the earliest possible date. Because of the urgency of this matter, the effective date of the order which follows will be ten days after the date hereof; the transfer may be made on the effective date of the order, and Commercial will be permitted to make the necessary tariff filings, which shall be made concurrently with the transfer, on ten days' notice to the Commission and to the public.

O R D E R

IT IS ORDERED that:

1. The transfer of the certificate of public convenience and necessity described herein is authorized upon the condition that whenever Commercial Transfer, Inc., engages other carriers as sub-haulers in connection with the transportation of property for Fresno Freeway Properties, Inc., or the customers or suppliers of Fresno Freeway Properties, Inc., the carriers so engaged shall be paid not less than the published tariff rates of Commercial Transfer, Inc.
2. On or before December 1, 1964, Fresno Freeway Properties, Inc., may transfer, and Commercial Transfer, Inc., may acquire, the operative rights and property referred to in the application.

3. Within thirty days after the consummation of the transfer herein authorized, Commercial Transfer, Inc., shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any instrument of transfer which may be executed to effect said transfer.

4. Commercial Transfer, Inc., shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to show that it has adopted or established, as its own, said rates, rules and regulations. The tariff filings shall be made effective on not less than ten days' notice to the Commission and to the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117.

5. On or before the end of the third month, after the consummation of the transfer as herein authorized, Commercial Transfer, Inc., shall cause to be filed with the Commission, in such form as it may prescribe, an annual report, or reports, covering the period commencing with the first day of the current year to and including the effective date of the transfer.

The effective date of this order shall be ten days after the date hereof.

Dated at San Francisco, California, this 2nd day of November, 1964.

Fredrick B. Hallock  
President

Walter J. [unclear]

George H. [unclear]

William L. [unclear]  
Commissioners