

Decision No. 68807**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 EMERY P. BIEBLE for authorization )  
 to sell and transfer to Earl F. )  
 Anders and Clifton Shifflet, dba )  
 Shifflet Bros., and for Earl F. )  
 Anders and Clifton Shifflet, dba )  
 Shifflet Bros. to purchase and )  
 acquire a cement carrier certifi- )  
 cate. )

Application No. 47322  
 Filed February 10, 1965

O P I N I O N

This is an application for an order of the Commission authorizing Emery P. Biehle (Biehle) to sell and transfer a cement carrier certificate of public convenience and necessity to Earl F. Anders and Clifton Shifflet, doing business as Shifflet Bros. (Shifflet).

Biehle operates as a cement carrier under a certificate of public convenience and necessity granted by this Commission in Resolution No. 13825, Sub 24, dated June 23, 1964. This certificate authorizes Biehle to operate as a cement carrier to and within the County of Sutter.

Shifflet operates under the jurisdiction of this Commission as a highway permit carrier; as a public utility warehouseman in Chico, said authority being described by the Commission order dated August 30, 1960, in Case No. 6908, and transferred pursuant to Decision No. 67763 in Application No. 46770; and as a cement carrier under certificate of public convenience and necessity granted by this Commission in Resolution No. 13825, Sub 14, dated June 23, 1964, authorizing this applicant to operate as a cement carrier to and within the County of Butte.

Applicants have entered into a written contract for the sale of the said operating rights. Under the terms of the contract Shifflet shall pay to Biehle the sum of \$150 for the said certificate of public convenience and necessity. A copy of that contract is attached to the application. The terms of the sale are cash upon authorization of the transfer by this Commission. The sale involves the transfer of the cement carrier operating rights only and does not include the sale of any equipment or other assets of Biehle. The purchase price is the approximate cost incurred by Biehle in securing said rights.

Also attached to the application are a balance sheet as of September 30, 1964 and an income statement covering the 9-month period ending September 30, 1964, of Shifflet. These exhibits indicate that Shifflet is in a financial position to continue the operation performed by Biehle pursuant to the latter's cement carrier authority. If this application is granted, Shifflet will adopt the tariffs of Biehle, which are presently on file with the Commission.

The application states that Biehle desires to terminate business; his operations and authority are in the area of Shifflet; that Shifflet can perform the operation for the customers of Biehle; and that Shifflet has the equipment and employees to accomplish this expansion and to insure that the public will continue to receive the service for which the original certificate was granted.

The Commission has considered this matter and finds that the proposed sale and transfer of the cement carrier certificate of public convenience and necessity would not be adverse to the public interest. We conclude that the application should be granted. A public hearing is not necessary. The action taken herein shall not be construed to be a finding of value of the assets to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before August 31, 1965, Emery P. Biehle may sell and transfer, and Earl F. Anders and Clifton Shifflet may purchase and acquire, the cement carrier certificate of public convenience and necessity referred to in this application.

2. Within thirty days after the consummation of the transfer herein authorized, Earl F. Anders and Clifton Shifflet shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Earl F. Anders and Clifton Shifflet shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the cement carrier operations herein to show that they have adopted or established, as their own, said rates and rules. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty 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.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of March, 1965.

Franklin B. Hallock  
President

Earl F. Anders

Clifton Shifflet

George L. Brewer

William M. Bennett  
Commissioners