

ORIGINAL

Decision No. 68898

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of:)

(a) BIG PINE TRUCKING COMPANY,)
INC., a corporation, to purchase,)
and of ARCHIE J. BRADY, ARCHIE E.)
WELCH and EDWIN R. PARTINGTON,)
copartners doing business as)
BIG PINE TRUCKING COMPANY, to)
sell a cement carrier certificate)
for the transportation of cement)
to and within the County of Inyo,)
pursuant to Section 851-853 of)
the California Public Utilities)
Code.)

Application No. 47422
Filed March 19, 1965

(b) BIG PINE TRUCKING COMPANY,)
INC., a corporation, to issue)
shares of its common capital)
stock, pursuant to Section 816-)
830 of the California Public)
Utilities Code.)

O P I N I O N

This is an application for an order of the Commission
(1) authorizing Archie J. Brady, Archie E. Welch and Edwin R.
Partington, copartners doing business as Big Pine Trucking
Company, to sell and transfer a certificate to operate as a
cement carrier, together with other assets, to Big Pine
Trucking Company, Inc., and (2) authorizing Big Pine Trucking
Company, Inc., in acquiring said assets, to assume certain
obligations and to issue \$120,400 par value of its capital
stock.

By Resolution No. 13827, Sub. 17, dated June 23, 1964, the Commission granted Archie J. Brady, Archie E. Welch and Edwin R. Partington, copartners doing business as Big Pine Trucking Company, a certificate to operate as a cement carrier to and within the County of Inyo. In this proceeding, the copartners request authority to sell and transfer their cement carrier certificate, together with motor vehicle equipment, real property and other assets, subject to existing liabilities, to Big Pine Trucking Company, Inc., in exchange for \$120,400 par value of capital stock. No value has been assigned to the cement carrier certificate, other operative rights or good will.

Big Pine Trucking Company, Inc. is a California corporation organized on or about September 30, 1964. In acquiring the sellers' assets, the company proposes to assume payment of existing long-term obligations and other liabilities and to issue 1,204 shares of its \$100 par value capital stock in exchange for such assets and liabilities which, as of January 31, 1965, had a reported net book value of \$120,444.57. According to the application, the corporation will continue to operate the motor carrier business of the sellers without interruption of service.

A pro forma balance sheet of Big Pine Trucking Company, Inc. giving effect to the proposed transaction is set forth in Exhibit B attached to the application and is summarized as follows:

Assets

Current assets	\$ 26,307.42
Tangible property (motor carrier equipment) - Net	122,327.13
Non-carrier property - Net	116,489.59
Deferred charges	33,234.08
Organization expense	<u>295.09</u>
Total	<u>\$299,153.31</u>

Liabilities

Current liabilities	\$ 2,606.82
Long-term obligations	176,101.92
Equity capital	<u>120,444.57</u>
Total	<u>\$299,153.31</u>

The Commission has considered this matter and finds that: (1) the proposed sale and transfer would not be adverse to the public interest; (2) the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purpose specified herein; and (3) such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings 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 the value of the operative rights and other assets to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1965, Archie J. Brady, Archie E. Welch and Edwin R. Partington, may sell and transfer, and Big Pine Trucking Company, Inc. may purchase and acquire, the cement carrier certificate and other assets referred to in the application.

2. Big Pine Trucking Company, Inc., on or before December 31, 1965, in acquiring said certificate and other assets, may assume payment of outstanding obligations and may issue not to exceed \$120,400 par value of its capital stock, at not less than par.

3. Big Pine Trucking Company, Inc. shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

4. Within thirty days after the consummation of the transfer herein authorized, Big Pine Trucking Company, Inc. 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 such transfer.

5. Big Pine Trucking Company, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the cement carrier operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and 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.

6. Concurrently with the effective date of tariff filings for cement carrier operations required by Ordering Paragraph 5 hereof, cement carrier authority issued in Resolution No. 13827, Sub. 17 is cancelled and a certificate of public convenience and necessity is granted to Big Pine Trucking Company, Inc. authorizing it to operate as a cement carrier as defined in Section 214.1 of the Public Utilities Code, as set forth in Appendix A attached hereto.

7. On or before the end of the third month after the consummation of the transfer as herein authorized, Big Pine Trucking Company, Inc. shall cause to be filed with the Commission, in such form as it may prescribe, an annual report,

or reports, related to the operations of the sellers for the period commencing with the first day of the current year to and including the effective date of the transfer.

8. The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20th day of APRIL, 1965.

Frederic B. Holdhoff
President

George J. Brown

Augustus

William L. Bennett
Commissioners

Appendix A BIG PINE TRUCKING COMPANY, INC. Original Page 1

Big Pine Trucking Company, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a cement carrier from any and all points of origin within the State of California to and within the County of Inyo, subject to the following restriction:

Whenever carrier engages other carriers for the transportation of property of the Big Pine Trucking Company, Inc. or customers or suppliers of said corporation, carrier shall not pay such other carriers rates and charges less than rates and charges published in the carrier's tariffs on file with this Commission.

Issued by California Public Utilities Commission.

Decision No. 68898, Application No. 47422.