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Decision No. 69041

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GEORGE KISHIDA to
 transfer cement carrier certificate
 of GEORGE KISHIDA, an individual,
 to successor corporation GEORGE
 KISHIDA, INC., a California
 corporation.

Application No. 47480
 (Filed April 8, 1965)

O P I N I O N

George Kishida requests authority to transfer a certificate authorizing operations as a cement carrier to George Kishida, Inc., a newly formed corporation.

The authority was granted by Resolution No.13825, Sub. No. 44, dated June 23, 1964. As of December 31, 1964, the corporation indicated a net worth in the amount of \$134,778.02.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. For the purpose of better establishing and maintaining records the operating authority will be revoked and restated in a new certificate. The Commission finds that public convenience and necessity require the granting of said certificate. A public hearing is not necessary.

George Kishida, Inc. is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to George Kishida, Inc., a corporation, authorizing it to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, between the points more particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules of the California Highway Patrol, and the insurance requirements of the Commission's General Order No. 100-C. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the safety rules, or the provisions of General Order No. 100-C, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (c) 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 the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117.

George Kishida, 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 to and within the Counties of Alameda, Calaveras, Sacramento, San Joaquin, Stanislaus, and Yolo from any and all points of origin.

End of Appendix A

Issued by California Public Utilities Commission.

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