

ORIGINALDecision No. 69279

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of (a) FEDERAL CEMENT TRANSPORTA-)
TION, INC., a California corpora-)
tion, for authority to issue)
shares of its common capital)
stock pursuant to Section 816-830)
of the California Public Utili-)
ties Code; (b) JOHN A. BLUMENAUER,)
an individual, doing business as)
JOHN A. BLUMENAUER TRUCKING, to)
sell, and FEDERAL CEMENT TRANSPOR-)
TATION, INC., a corporation, to)
purchase cement carrier operating)
rights and property, pursuant to)
Section 851-853 of the California)
Public Utilities Code.)

Application No. 47543
(Filed April 29, 1965)

O P I N I O N

John A. Blumenauer requests authority to sell and transfer and Federal Cement Transportation, Inc., a newly formed corporation, requests authority to purchase and acquire certain property and operating authority. In addition, applicant purchaser requests authority to issue 210 shares of its common capital stock without par value on the basis of \$100 per share.

The certificated authority is prescriptive in nature and was described by Commission Resolution No. 13821, Sub.48, dated June 23, 1964, in Application No. 46363 and authorizes operation to and within the following counties: Fresno, Inyo, Kern, Kings Los Angeles, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare and Ventura. Also included are two units of equipment. The agreed cash consideration is \$17,500, with a value of \$17,000 being placed upon the equipment, \$200 upon the operating authority and \$300 representing good will. Attached to the application as Exhibit D is an appraisal

by the J. T. Jenkins Co., dated May 10, 1965, which estimates the fair market value of the equipment to be between \$17,000 and \$17,500.

Applicant purchaser requests authority to issue 210 shares of its common capital stock to its president and vice president for \$21,000. The amount of \$3,500 will be working capital. It is alleged that said individuals have had many years experience in the field of transportation.

Because of the expense involved, applicant purchaser requests that it be relieved from the provisions of Rule 29(a) of the Commission's Rules of Procedure, which require service upon all competing carriers. According to the application, a copy thereof was served upon the California Trucking Association.

After consideration, the Commission finds that the proposed sale would not be adverse to the public interest and that the money property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. A public hearing is not necessary.

For the purpose of maintaining uniform records the instant authority will be revoked and a new certificate will be issued to applicant purchaser in appendix form.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1965, John A. Blumenauer may sell and transfer, and Federal Cement Transportation, Inc., may purchase

and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Federal Cement Transportation, 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 said transfer.

3. Federal Cement Transportation, 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 not earlier than ten days after the effective date of this order 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.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Federal Cement Transportation, 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.

5. Concurrently with the effective date of the tariff filings required by ordering paragraph 3 hereof the operating authority described by Commission Resolution No. 13821, Sub. 48, dated June 23, 1964, in Application No. 46363 is hereby revoked and in its place and

stead a certificate of public convenience and necessity is hereby granted to Federal Cement Transportation, Inc., authorizing it to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, between the points set forth in Appendix A attached hereto and made a part hereof.

6. Federal Cement Transportation, Inc., for the purposes set forth in the application, is hereby authorized to issue 210 shares of its common capital stock without par value on the basis of \$100 per share.

7. Applicant shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is made a part of this order.

8. Federal Cement Transportation, Inc., is hereby relieved from the provisions of Rule 29(a) of the Commission's Rules of Procedure.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 22nd day of JUNE, 1965.

Fredrick B. Holcomb
President

George L. Trover
Secretary

William L. Bernard
Commissioners

Appendix A FEDERAL CEMENT TRANSPORTATION, INC. Original Page 1

By the decision noted below Federal Cement Transportation, Inc., is authorized to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, from any and all points of origin to and within all points in the following counties: Fresno, Inyo, Kern, Kings, Los Angeles, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare and Ventura.

Issued by California Public Utilities Commission.

Decision No. 69279, Application No. 47543.