

**ORIGINAL**Decision No. 69925

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Joseph and Joseph B. Ramos dba Ramos & Sons Trucking, to sell, and Permanente Trucking Company, a corporation, to purchase, a cement carrier certificate authorizing service to and within Contra Costa County, State of California, pursuant to Sections 851-853 of the California Public Utilities Code.

Application No. 47819  
(Filed August 18, 1965)

In the Matter of the Application of: Jack R. Goforth, Frank M. Goforth and Elmer T. Goforth, dba Goforth Brothers, to sell, and Permanente Trucking Company, a corporation, to purchase, a cement carrier certificate, authorizing service to and within Glenn County, State of California, pursuant to Sections 851-853 of the California Public Utilities Code.

Application No. 47858  
(Filed September 1, 1965)

O P I N I O N

Joseph and Joseph B. Ramos hold a cement carrier certificate authorizing service to and within Contra Costa County from any and all points of origin pursuant to Resolution No. 13825, Sub. No. 4. By Application No. 47819, applicants Ramos seek to sell their operating right to Permanente Trucking Company for \$250. No other property is involved.

Jack R., Frank M. and Elmer T. Goforth are the owners and holders of a cement carrier certificate pursuant to Resolution No. 13827, Sub. No. 10, authorizing service to and within Glenn County from any and all points of origin. By Application No. 47858, applicants Goforth seek to sell their operating right to Permanente for \$325. No other property is involved.

Permanente owns and holds a certificate under Resolution No. 13827, Sub. No. 16, authorizing service to and within 41 California counties from any and all points of origin.

Ramos, Goforth and Permanente all are participants in Western Motor Tariff Bureau, Local Freight Tariff No. 17 (Cal. P.U.C. No. 21). Permanente proposes to make appropriate tariff filings.

The Ramos, Goforth and Permanente rights will be revoked by the following order. A new appendix type certificate will be granted to Permanente including its present 41 counties plus Contra Costa and Glenn.

In view of the fact that Permanente is a wholly owned subsidiary of Kaiser Cement and Gypsum Corporation, which, in turn, is affiliated with Kaiser Industries Corporation, an alter-ego restriction should and will be inserted in the following order.

The Commission finds that:

1. The transfer of the Ramos and Goforth rights to Permanente as proposed in the applications involved would not be adverse to the public interest.

2. Permanente is a wholly owned subsidiary of Kaiser Cement and Gypsum Corporation, which is affiliated with Kaiser Industries Corporation, a producer of cement.

3. Permanente has the financial resources, experience, facilities, equipment and personnel to transport cement to the counties named in Appendix A attached hereto.

4. Public convenience and necessity require that a certificate be granted to Permanente to transport property as a cement carrier to and within said counties.

The Commission concludes that:

1. The sought transfers should be granted.
2. The present operating authority of Joseph and Joseph B. Ramos, of Jack R., Frank M. and Elmer T. Goforth, and of Permanente should be revoked.
3. A certificate of public convenience and necessity as a cement carrier should be granted to Permanente as provided by the following order.

Permanente 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.

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

Public hearings are not necessary.

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1966, Joseph Ramos, Joseph B. Ramos, Jack R. Goforth, Frank M. Goforth and Elmer T. Goforth may sell and transfer, and Permanente Trucking Company, a corporation, may purchase and acquire, the cement carrier certificates of public convenience and necessity referred to in the applications, in accordance with the terms set forth in the applications but subject to the terms of this order.

2. Within thirty days after the consummation of each of the transfers herein authorized, Permanente Trucking Company 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. Permanente Trucking Company 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 thirty days after the effective date of this order or not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings for each common carrier operation involved shall be concurrent with the consummation of the respective transfers 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, Permanente Trucking Company shall cause to be filed with the Commission, in such form as the Commission 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 each of the transfers.

5. Concurrently with the effective date of the tariff filings required by ordering paragraph 3 hereof, or the latter effective date if tariff filings for each common carrier operation are made on separate dates, the operative rights granted by Resolution No. 13825, Sub. No. 4, and Resolution No. 13827, Sub. Nos. 10 and 16, are hereby

revoked and, in place and stead thereof, a certificate of public convenience and necessity to operate as a cement carrier is hereby granted to Permanente Trucking Company, a corporation, as particularly set forth in Appendix A attached hereto and hereby made a part hereof.

6. Whenever Permanente Trucking Company engages other carriers for the transportation of property of Kaiser Cement & Gypsum Corporation or Kaiser Industries Corporation, affiliated corporations, companies, subsidiaries and divisions thereof or customers or suppliers of said corporations, Permanente Trucking Company shall not pay such other carriers rates and charges less than rates and charges published in the Permanente Trucking Company's tariffs on file with this Commission.

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

San Francisco  
Dated at \_\_\_\_\_, California, this 9<sup>th</sup>  
day of November, 1965.

Frederick B. Hallock  
President  
George J. Hoover  
Augustus  
William B. Randall  
Commissioners

Permanente Trucking Company, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin is authorized to conduct operations as a cement carrier to and within the Counties of Alameda, Butte, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tuolumne, Ventura and Yolo from any and all points of origin subject to the following restriction.

RESTRICTION: Whenever Permanente Trucking Company engages other carriers for transportation of property of the Kaiser Cement and Gypsum Corporation, or customers or suppliers of said corporation, or Kaiser Industries Corporation, or any of the affiliated corporations, companies, subsidiaries or divisions thereof, or customers or suppliers thereof, Permanente Trucking Company shall pay such other carriers not less than the rates and charges published in Permanente Trucking Company's tariffs on file with this Commission.

Issued by California Public Utilities Commission.

Decision No. 69925, Applications Nos. 47819 and 47858.