

**ORIGINAL**

Decision No. 70041

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of: )

(a) C T L TRUCKING, INC., a )  
corporation, to purchase, and of )  
WILLIAM M. THOMSON, an individual )  
doing business as A & B TRUCKING, )  
to sell, a certificate of public )  
convenience and necessity )  
authorizing him to operate as a )  
cement carrier to all points in )  
the Counties of Los Angeles, )  
Orange, Kern, Ventura, San Diego )  
and Riverside, pursuant to Sections )  
851-853 of the California Public )  
Utilities Code. )

Application No. 48034  
Filed November 4, 1965

(b) C T L TRUCKING, INC., a )  
corporation, to issue shares of )  
its common capital stock, pursuant )  
to Sections 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 authorizing William M. Thomson, doing business as A & B Trucking, to sell and transfer his cement carrier certificate of public convenience and necessity to C T L Trucking, Inc., and authorizing the latter to issue and sell \$5,000 aggregate par value of its capital stock.

William M. Thomson possesses a certificate of public convenience and necessity authorizing him to operate as a cement carrier from any and all points of origin to any and all points

of destination within the Counties of Kern, Los Angeles, Orange, Riverside, San Diego and Ventura, which certificate was granted by Decision No. 68616, dated February 16, 1965, in Application No. 46568.

In this proceeding William M. Thomson proposes to sell and transfer his cement carrier certificate of public convenience and necessity to C T L Trucking, Inc., a California corporation which was incorporated on or about October 25, 1965. The purchase price of \$5,000 will be paid by the corporation's President, Chauncey T. LeValley, and no value will be assigned to said certificate by the corporation. In addition, C T L Trucking, Inc. proposes to issue 50 shares of its \$100 par value common stock at par, for cash, to Chauncey T. LeValley for the purpose of obtaining \$5,000 working capital.

The application states that (a) Chauncey T. LeValley has been engaged in the transportation of cement in bulk for a number of years and is therefore thoroughly familiar with the provision of such service and (b) the corporation has adequate financial resources.

The Commission has considered this matter and finds that: (1) the proposed sale and transfer will 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 March 31, 1966, William M. Thomson, doing business as A & B Trucking, may sell and transfer, and C T L Trucking, Inc. may purchase and acquire, the cement carrier certificate of public convenience and necessity referred to in the application.
2. C T L Trucking, Inc., on or before March 31, 1966, may issue and sell not to exceed \$5,000 par value of its common stock at par, for cash, and shall use the proceeds for working capital.
3. C T L Trucking, 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, C T L Trucking, 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. C T L Trucking, 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 the tariff filings for cement carrier operations required by Ordering Paragraph 5 hereof, the certificate of public convenience and necessity to operate as a cement carrier granted to William M. Thomson, doing business as A & B Trucking, by Decision No. 62616, dated February 16, 1965, in Application No. 46568, is hereby revoked, and a certificate of public convenience and necessity is hereby granted to C T L Trucking, Inc. authorizing it to operate as a cement carrier 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, C T L Trucking, 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 seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

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

Dated at San Francisco, California,  
this 7<sup>th</sup> day of DECEMBER, 1965.

Fredrick B. Hillis  
President

Arthur E. ...

George E. ...

Auguston

William W. ...  
Commissioners

C T L Trucking, 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 to any and all points of destination within the Counties of Kern, Los Angeles, Orange, Riverside, San Diego and Ventura, subject to the following restriction:

Whenever C T L Trucking, Inc. engages other carriers for the transportation of property of Chauncey T. LeValley or LeValley Ready Mix Co., or customers or suppliers of said individual, company or corporation, C T L Trucking, Inc. shall not pay such other carriers rates and charges less than rates and charges published in C T L Trucking, Inc.'s tariffs on file with this Commission.

(End of Appendix A)

Issued by California Public Utilities Commission.

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