

ORIGINALDecision No. 70085

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of CARL WATTS, dba Watts Bros.,
for transfer of cement carrier
certificate of public convenience
and necessity. }

Application No. 47983

O P I N I O N

Carl Watts requests authority to transfer a certificate of public convenience and necessity as a cement carrier to Carl Watts Cement Contractors, Inc., a newly formed corporation of which he is the sole stockholder.

The certificate is prescriptive in nature and was described by Commission Resolution No. 13827, Sub. 1, dated June 23, 1964.

As of July 31, 1965, Carl Watts Cement Contractors, Inc., indicated a net worth in the amount of \$42,660.98. It owns and operates six units of equipment.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The certificate will be revoked and an in-lieu certificate will be issued as set forth in Appendix A attached hereto.

Carl Watts Cement Contractors, Inc., a corporation, 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. On or before May 1, 1966, Carl Watts may sell and transfer, and Carl Watts Cement Contractors, 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, Carl Watts Cement Contractors, 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. Carl Watts Cement Contractors, 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 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 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, Carl Watts Cement Contractors, Inc., 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 seller for 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 tariff filings required by ordering paragraph 3 hereof, the operative right granted by Resolution No. 13827, Sub. No. 1, dated June 23, 1964, is hereby revoked and, in place and stead thereof, a certificate of public convenience and necessity to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, is hereby granted to Carl Watts Cement Contractors, Inc., a corporation, as particularly set forth in Appendix A attached hereto.

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

Dated at San Francisco, California, this 14th day of DECEMBER, 1965.

Fredrick B. Holbrook
President
George E. Hoover
William B. Bivens

Commissioners

Commissioner A. W. Catov, being necessarily absent, did not participate in the disposition of this proceeding.

/nb

APPENDIX A

CARL WATTS CEMENT CONTRACTORS, INC.
(a corporation)

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Carl Watts Cement Contractors, 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 Sacramento, San Joaquin, Solano and Yolo from any and all points of origin subject to the following restriction:

Whenever Carl Watts Cement Contractors, Inc., engages other carriers for the transportation of property of Carl Watts or Watts Bros., or Carl Watts Cement Contractors, Inc., or customers or suppliers of said individual or company or corporation, Carl Watts Cement Contractors, Inc., shall not pay such other carriers rates and charges less than rates and charges published in Carl Watts Cement Contractors, Inc., tariffs on file with this Commission.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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