

ORIGINALDecision No. 71892

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LEE BOYD, JR., dba LEE BOYD to sell
and transfer cement carrier certificate,
and for SHIPPERS TRANSIT, INC., a
California corporation, to purchase and
acquire said cement carrier certificate.

Application No. 48875
(Filed October 18, 1966)

O P I N I O N

M. W. Helmer, as Trustee for the assignee creditors of Lee Boyd, Jr., deceased, requests authority to sell and transfer and Shippers Transit, Inc., requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a cement carrier,

The operating authority was set forth in Decision No. 67231 dated May 19, 1964, in Application No. 46140, and authorizes operations between all points in Kern County.

Prior to the death of Lee Boyd, Jr., he executed an assignment of assets for the benefit of his creditors, including the certificate herein considered. Pursuant to his authority as trustee for said creditors, M. W. Helmer agreed to sell said operating authority to Shippers Transit, Inc. for a cash consideration of \$200.

Applicant buyer owns and operates 19 units of equipment. As of September 30, 1966, it indicated a net worth in the amount of \$35,503.75.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The order which follows will

provide for, in the event the transfer is consummated, the revocation of the certificate presently in the name of Lee G. Boyd, Jr., and the issuance of a certificate in appendix form to Shippers Transit, Inc.

O R D E R

IT IS ORDERED that:

1. On or before June 1, 1967, M. W. Helmer, as trustee for the assignee creditors of Lee Boyd, Jr., may sell and transfer, and Shippers Transit, Inc. may purchase and acquire, the operative right referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Shippers Transit, 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. Shippers Transit, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common 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 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, Shippers Transit, 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. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Shippers Transit, Inc., authorizing it to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, between the points particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 67231, which certificate shall be revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. In providing service pursuant to the certificate herein granted, Shippers Transit, Inc. shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, Shippers Transit, Inc. shall file a written acceptance of the certificate herein granted. Shippers Transit, Inc. is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, 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-D. Failure to comply with and observe the safety rules, or the provisions of General Order No. 100-D, may result in a cancellation of the operating authority granted by this decision.

- (b) Shippers Transit, Inc. shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 24th day of JANUARY, 1967.

Richard E. Fitzhugh
President

William L. Beard

August

W. P. Morsung

Commissioners

Commissioner WILLIAM SYMONS, JR. did not participate in the disposition of this proceeding.

Shippers Transit, 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 between all points in Kern County, subject to the restriction as follows:

"Whenever Shippers Transit, Inc. engages other carriers for the transportation of property of Shippers Transit, Inc., or customers or suppliers of said corporation, Shippers Transit, Inc. shall not pay such other carriers rates and charges less than rates and charges published in Shippers Transit, Inc.'s tariffs on file with this Commission."

(End of Appendix A)

Issued by California Public Utilities Commission.

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