

ORIGINAL

Decision No. 72158

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MHC TRUCKING COMPANY, INC., a California corporation, for transfer of cement carrier certificate from Gene E. Sawyer, d/b/a MHC TRUCKING COMPANY to MHC TRUCKING COMPANY, INC.

Application No. 49090
(Filed January 19, 1967)

O P I N I O N

Gene E. Sawyer requests authority to transfer a certificate of public convenience and necessity authorizing operations as a cement carrier to MHC Trucking Company, Inc.

The certificate is prescriptive in nature and was set forth in Commission Resolution No. 13823, Sub. 20, dated June 23, 1964, in Application No. 46375.

Gene E. Sawyer is president of and a member of the board of directors of MHC Trucking Company, Inc., a newly formed corporation.

The corporation proposes to continue transporting cement to the counties within the certificated area, i.e., Santa Barbara, Ventura, Los Angeles, Orange and San Diego. As of September 30, 1966, transferee indicated a net worth in the amount of \$18,052.92.

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

MHC Trucking Company, Inc., is hereby placed on notice that operative rights, as such, do not constitute a class of

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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 August 1, 1967, Gene E. Sawyer may transfer and MHC Trucking Company, Inc., a corporation, may acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, MHC Trucking Company, Inc. shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of the instrument of transfer which may be executed to effect said transfer.
3. MHC Trucking Company, 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

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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, MHC Trucking Company, 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 transferor 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 tariff filings required by ordering paragraph 3 hereof the certificate set forth in Resolution No. 13823, Sub. 20, dated June 23, 1964, in Application No. 46375, is hereby revoked and in its place and stead a certificate of public convenience and necessity is hereby granted to MHC Trucking Company, Inc., a corporation, authorizing it to operate as a cement carrier as defined in Section 214.1 of the Public Utilities Code, between the points and over the routes more particularly set forth in Appendix A attached hereto and made a part hereof.

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

Dated at San Francisco, California, this 14th day of MARCH, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

MHC Trucking Company, 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 all points and places within the counties of Los Angeles, Orange, San Diego, Santa Barbara and Ventura from any and all points of origin, subject to the following restriction:

Whenever MHC Trucking Company, Inc., engages other carriers for the transportation of property of Gene E. Sawyer or Sawyer Building Materials or MHC Trucking Company, Inc., or customers or suppliers of said individual, company or corporation, MHC Trucking Company, Inc., shall not pay such other carriers rates and charges less than the rates and charges in MHC Trucking Company, Inc.'s tariffs on file with this Commission.

(End of Appendix A)

Issued by California Public Utilities Commission.

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