

ORIGINALDecision No. 72861

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 E. M. Tharp Trucking, Inc., a corporation,
 and Melvin Santry, Jr., an individual, for
 authority for E. M. Tharp Trucking, Inc.
 to transfer operating rights to Melvin
 Santry, Jr.

Application No. 49359
 (Filed May 9, 1967)

O P I N I O N

E. M. Tharp Trucking, Inc. possesses a cement carrier certificate of public convenience and necessity to conduct operations to and within Tulare County, California.

Melvin Santry, Jr. is also a copartner in the entity of Melvin Santry, Sr. and Melvin Santry, Jr., doing business as Santry Farms which has a cement carrier certificate and as such is authorized to conduct operations to and within the County of Tulare, California.

Attached to the application (Exhibit C) is a statement of the financial condition of Melvin Santry, Jr. for the year ending December 31, 1966 showing a net worth of \$207,350.

It is proposed that E. M. Tharp Trucking, Inc. sell to Melvin Santry, Jr. its operating authority as a cement carrier in Tulare County for the sum of \$100.

There are no protests to the proposed transfer.

After consideration the Commission finds that:

1. Melvin Santry, Jr. possesses the ability and financial responsibility to provide the proposed operations.
2. The proposed operation will not endanger the safety of the public nor interfere with the public use of the highways or impair the condition or maintenance of them directly or indirectly.

3. The proposed operation will not impair the service of previously certificated cement carriers or permitted cement contract carriers.

4. Melvin Santry, Jr. is a fit and proper person to receive such certification to operate as a cement carrier.

5. The proposed transfer will not be adverse to the public interest.

The Commission concludes that the proposed sale should be authorized. The action taken herein, however, shall not be construed to be a finding of the value of the property to be transferred.

Public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1967, E. M. Tharp Trucking, Inc. may sell and transfer, and Melvin Santry, Jr. 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 Melvin Santry, Jr. 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. Melvin Santry, Jr. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that he has adopted or established as his 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 Melvin Santry, Jr. 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 Melvin Santry, Jr. authorizing him to operate as a common 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 Resolution No. 13825, Sub. 15, dated June 23, 1964, in File T-47,611 which certificate is 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, Melvin Santry, Jr. shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, Melvin Santry, Jr. shall file a written acceptance of the certificate herein granted. Melvin Santry, Jr. is placed on notice that, if he accepts the certificate of public convenience and necessity

herein granted, he 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) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (c) 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 establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117.
- (e) Applicant shall maintain his 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 his 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 8th day of AUGUST, 1967.

President

William G. Bernick

William G. Bernick

William G. Bernick

W. P. Morrison

Commissioners

Melvin Santry, Jr., 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 the following points:

From any and all points of origin to all points and places within the County of Tulare.

Restriction:

"Whenever Melvin Santry, Jr. engages other carriers for the transportation of property of Melvin Santry, Sr. and/or Melvin Santry, Jr. or Santry Farms or customers or suppliers of said individuals, partnership or firm, Melvin Santry, Jr. shall not pay such carriers rates and charges less than the rates and charges published in Melvin Santry, Jr.'s tariffs on file with this Commission."

End of Appendix A

Issued by California Public Utilities Commission.

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