

**ORIGINAL**Decision No. 72910

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 WILLIAM L. GUILL, an individual, to )  
 sell and transfer a certificate of )  
 public convenience and necessity )  
 authorizing the transportation of )  
 cement to SENATOR TRUCK SERVICE, )  
 INC., a corporation. )

Application No. 49497  
 (Filed June 26, 1967)

O P I N I O N

By this application William L. Guill (Guill) seeks authority to transfer a certificate of public convenience and necessity as a cement carrier, authorizing the transportation of cement to points within the County of Shasta, to Senator Truck Service, Inc. (Senator). Said certificate was issued to Guill on June 23, 1964, in Resolution No. 13821, Sub. No. 26. Guill is presently conducting operations pursuant to said certificate and in addition holds and operates under Radial Highway Common Carrier Permit No. 45-1431.

Senator holds Radial Highway Common Carrier Permit No. 57-1121, Highway Contract Carrier Permit No. 57-1122 and in addition a certificate of public convenience and necessity as a cement carrier authorizing the transportation of cement to points within the following counties: Alameda, Butte, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Lake, Lassen, Los Angeles, Madera, Marin, Merced, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Yolo, Monterey, Orange, Riverside, San Bernardino, San Diego and Ventura.

The consideration for transfer of the certificate from Guill to Senator is \$2,000.

Guill alleges that he is desirous of discontinuing cement carrier operations to the County of Shasta and confining his operations to his permitted authority. Senator, it is alleged, has the equipment, knowledge, experience and financial capability to continue providing the service heretofore provided by Guill. Exhibit "C" attached to the application is a balance sheet of Senator dated November 30, 1966. It indicates a net worth of \$23,193.37.

Senator advises the Commission that it is willing to accept what is commonly referred to as a "subhaul restriction" in its certificate should the transfer be authorized. Such restriction is presently set forth in Senator's certificate.

Applicants pray that the order granting the authorization requested be made effective on the date it is granted and tariff publication be made on not less than five days' notice to the public and the Commission.

There have been no protests or requests for public hearing, and a public hearing is not necessary.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificates currently held by William L. Guill and Senator Truck Service, Inc., and the issuance of a certificate in appendix form to Senator Truck Service, Inc.

Senator Truck Service, Inc., is 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.

The authorization herein granted shall not be construed as a finding of the value of the right herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before October 1, 1967, William L. Guill may sell and transfer, and Senator Truck Service, 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, Senator Truck Service, 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. Senator Truck Service, Inc., shall amend or reissue its 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 five days after the effective date of this order on not less than five 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, Senator Truck Service, 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 William L. Guill 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 Senator Truck Service, Inc., 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 particularly and respectively 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 certificates of public convenience and necessity granted to William L. Guill and Senator Truck Service, Inc., by Resolution No. 13821, Sub. No. 26, and Decision No. 72537, which certificates are 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, Senator Truck Service, Inc., shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, Senator Truck Service, Inc., shall file a written acceptance of the certificate herein granted. It 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



Senator Truck Service, 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, as defined in Section 214.1 of the Public Utilities Code, from any and all points of origin to all points and places within the Counties of  
(See Restriction):

Alameda, Butte, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Lake, Lassen, Los Angeles, Madera, Marin, Merced, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara, Shasta, Solano, Sonoma, Sutter, Ventura and Yolo;

RESTRICTION:

Whenever Senator Truck Service, Inc. engages other carriers for the transportation of property of Acme Concrete Company, Inc. and John W. Vickrey, Joint Venture, or Acme Concrete Company, Inc., or John W. Vickrey, or J. W. Vickrey, Inc., or Vickrey Transport, Inc., or Freeway Sawing, Inc., or customers or suppliers of said individual, joint venture, partners, or corporations, Senator Truck Service, Inc. shall not pay such other carriers rates and charges less than the rates and charges published in the carrier's tariffs on file with this Commission.

END OF APPENDIX A

Issued by California Public Utilities Commission.

Decision No. 72910, Application No. 49497.