

**ORIGINAL**Decision No. 73667

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of T. C. HOLLINGSWORTH, an individual, to sell, and of CITY TRANSFER, INC., a corporation, to purchase, a cement carrier certificate authorizing service to and within the Counties of Kern, Los Angeles, Orange, Riverside and San Bernardino, in the State of California, pursuant to Sections 851-853 of the California Public Utilities Code.

Application No. 49857  
Filed December 5, 1967

O P I N I O N

T. C. Hollingsworth requests authority to sell and transfer, and City Transfer, Inc., requests authority to purchase and acquire, certain operating authority.

The certificated authority was issued by Commission Resolution No. 13821, Sub. No. 79 in Application No. 46482, and authorizes the transportation of cement to and within the Counties of Kern, Los Angeles, Orange, Riverside and San Bernardino.

The agreed cash consideration is \$5,000. As of December 31, 1966, applicant buyer indicated a net worth in the amount of \$477,444.23.

It is alleged that applicant seller desires to withdraw from the transportation of cement and concentrate his efforts on providing transportation service for other commodities under permits issued to him by this Commission; and that applicant buyer has been engaged in the transportation business for many years and has the necessary equipment and ability to provide service under the authority to be transferred.

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 held by T. C. Hollingsworth and the issuance of a certificate in appendix form to City Transfer, Inc.

City Transfer, Inc., 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.

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

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1968, T. C. Hollingsworth may sell and transfer, and City Transfer, Inc., may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, City Transfer, 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. City Transfer, 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. Failure to comply with and observe the provisions of General Order No. 117 may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to City Transfer, 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 particularly set forth in Appendix A attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted in paragraph 4 of this order shall supersede the certificate of public convenience and necessity granted by Resolution No. 13821, Sub. No. 79, in Application No. 46482, which certificate is revoked concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

6. In providing service pursuant to the certificate herein granted, City Transfer, Inc., shall comply with and observe

the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- a. Within thirty days after the effective date hereof, City Transfer, Inc., shall file a written acceptance of the certificate herein granted. City Transfer, 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.
- b. City Transfer, 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 30<sup>th</sup> day of JANUARY, 1968.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners

City Transfer, 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 Kern, Los Angeles, Orange, Riverside and San Bernardino from any and all points of origin.

End of Appendix A

Issued by California Public Utilities Commission.

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