

**ORIGINAL**

Decision No. 75327

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }  
SENATOR TRUCK SERVICE, INC., a cor- }  
poration, to sell and transfer a }  
certificate of public convenience }  
and necessity as a cement carrier to }  
ROCK TRANSPORT, INC., a corporation, }  
and to remove restriction. }

Application No. 50767  
(Filed December 20, 1968)

O P I N I O N

Senator Truck Service, Inc., requests authority to sell and transfer and Rock Transport, Inc., requests authority to purchase and acquire certificate rights authorizing operation as a cement carrier.

The certificate was granted by Decision No. 72910 dated August 15, 1967, in Application No. 49497, and authorizes the transportation of cement from any and all points of origin in California to all points and places within the Counties of 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.

The proposed transfer involves only that portion of the certificate relating to operations from all points within the State of California to points within the Counties of Orange, Riverside, San Bernardino, San Diego, and Ventura. The agreed cash consideration is \$7,500.

Applicant buyer is presently engaged in the transportation of cement between various points within the State pursuant to a certificate of public convenience and necessity granted by Decision No. 72537, dated June 6, 1967, as amended by Decision No. 72613, dated June 1967, both in Application No. 49497. As of September 30, 1968, applicant buyer indicated a net worth in the amount of \$99,505.

It is alleged that applicant buyer is well equipped and experienced to provide service to the Counties of Orange, Riverside, San Bernardino, San Diego, and Ventura.

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 certificates presently held by applicant seller and buyer and the issuance of new certificates in appendices form.

Rock Transport, 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.

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1969, Senator Truck Service, Inc., may sell and transfer, and Rock Transport, 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, Rock Transport, 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. and Rock Transport, Inc., shall amend or reissue their tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that they have adopted or established, as their own, said rates and rules. The tariff filings shall be made effective not earlier than ten 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. 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, certificates of public convenience and necessity are granted to Senator Truck Service, Inc., and Rock Transport, Inc., authorizing them 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 Appendices A and B, respectively, attached hereto and made a part hereof.

5. The certificates of public convenience and necessity granted in paragraph 4 of this order shall supersede the certificates of public convenience and necessity granted by Decision No. 72537,

dated June 6, 1967, as amended by Decision No. 72613, dated June 9, 1967, both in Application No. 49259 and Decision No. 72910, dated August 15, 1967, in Application No. 49497, which certificates are hereby revoked concurrently with the effective date of the tariff filings required by ordering paragraph 3 hereof.

6. In providing service pursuant to the certificates herein granted, applicants 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, applicants shall file written acceptances of the certificates herein granted. Applicants are placed on notice that, if they accept the certificates of public convenience and necessity herein granted, they 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-E.
- (b) Applicants shall maintain their 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 their 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 the date hereof.

Dated at Los Angeles, California, this 18<sup>th</sup> day of FEBRUARY, 1969.

William Sproule, Jr.  
President

Greg P. Monseif

(M. Moran)

Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

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 Restrictions):

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

RESTRICTION:

1. 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.
2. This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

END OF APPENDIX A

Issued by California Public Utilities Commission.

Decision No. 75327 . . . Application No. 50767.

Rock Transport, 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 Restrictions):

Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Lake, Lassen, Los Angeles, Marin, Mendocino, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Ventura, Yolo and Yuba;

RESTRICTION:

1. Whenever Rock Transport, Inc., engages other carriers for the transportation of property of the Rock Transport, Inc., or Redding Transit Mix, Inc., or customers or suppliers of said corporations, Rock Transport, 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.
2. This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

END OF APPENDIX B

Issued by California Public Utilities Commission.

Decision No. 75327, Application No. 50767.