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**ORIGINAL**

Decision No. 75408

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Reserve Trucking  
Company, a corporation, to sell  
and of Fitz-Gerald Trucking  
Service, Inc., a corporation,  
to buy petroleum irregular route  
certificate of public convenience  
and necessity.

Application No. 50814  
(Filed January 10, 1969)

O P I N I O N

Reserve Trucking, a corporation (seller), seeks to sell and transfer, and Fitz-Gerald Trucking Service, Inc., a corporation (buyer), seeks to acquire, a certificate of public convenience and necessity to operate as a petroleum irregular route carrier. Said certificate was acquired by seller pursuant to Decision No. 49663, dated February 9, 1954, in Application No. 35013. Said certificate authorizes the transportation of petroleum and petroleum products in tank vehicles between all points and places in California.

The full purchase price is \$100, which is to be paid upon consummation of the sale after authorization is granted by the Commission. Buyer will also defray the costs incident to the filing of the application herein. No other assets are to be transferred.

The application states that seller's owners desire to retire from the trucking business and devote their full interest to their petroleum refining, marketing and distribution interests. The application alleges that buyer was formed for the primary purpose of acquiring and operating the certificate. Its sole shareholder, A. S. Fitz-Gerald, now engages in the trucking business

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as an individual doing business as Fitz-Gerald Bros. The application states that buyer proposes to commence operations by leasing suitable tank trucks and trailers from its president and sole stockholder. Buyer intends initially to operate in Santa Barbara and San Luis Obispo Counties and vicinity near its base of operations in Santa Maria.

The application contains a pro forma balance sheet of buyer which indicates cash assets of \$10,000, and capital of \$10,000. As buyer has not heretofore engaged in business, it is unable to present an income statement.

The application states that seller is not a party to any through routes or joint rates. Buyer proposes to adopt or become a party to seller's tariff schedules currently on file with the Commission.

The application shows that it was served upon the California Trucking Association. Applicants aver that they are not aware of the names of existing petroleum irregular route carriers with whom the proposed service is likely to compete, and that they were unable to serve said carriers with copies of the application. They seek waiver of the requirement for service upon competing carriers.

The application alleges that it is noncontroversial in character and is one which may be disposed of *ex parte*. Notice of filing appeared upon the Commission's Daily Calendar of January 13, 1969. There are no protests.

The Commission finds that the proposed transactions would not be adverse to the public interest and that applicants should be

permitted to deviate from Rule 37 of the Commission's Rules of Procedure. We conclude that the application should be granted. A public hearing is not necessary.

The action taken herein shall not be construed as a finding of the value of the operative rights herein authorized to be transferred, nor as indicative of amounts to be included in proceedings for the determination of just and reasonable rates.

The certificate acquired by seller will be revoked and an in lieu certificate will be issued to buyer as set forth in Appendix A attached hereto.

O R D E R

IT IS ORDERED that:

1. On or after the effective date hereof and on or before June 1, 1969, Reserve Trucking Company, a corporation, may sell and transfer, and Fitz-Gerald Trucking Service, Inc., a corporation, may acquire, the petroleum irregular route carrier certificate of public convenience and necessity referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Fitz-Gerald Trucking 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. Fitz-Gerald Trucking Service, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules

governing the petroleum irregular route 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 ten days after the effective date of this order on not less than ten 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. 80-A. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the operating authority granted by this decision.

4. Concurrently with the effective date of tariff filings required by Ordering Paragraph 3 hereof, the operative rights acquired by Reserve Trucking Company pursuant to Decision No. 49633 are hereby revoked and, in place and stead thereof, a certificate of public convenience and necessity to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, is hereby granted to Fitz-Gerald Trucking Service, Inc., a corporation, as particularly set forth in Appendix A hereto.

5. In providing service pursuant to the certificate herein granted, Fitz-Gerald Trucking Service, 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, applicant shall file a written acceptance of the certificate herein granted.

Applicant 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-E.

- (b) Applicant 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 11<sup>th</sup> day of MARCH, 1969.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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Appendix A      FITZ-GERALD TRUCKING SERVICE, INC. Original Page 1

Fitz-Gerald Trucking Service, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport petroleum and petroleum products in bulk in tank trucks or tank trailers, as a petroleum irregular route carrier, between all points and places in the State of California.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 75408, Application No. 50814.