

Decision No. 75532

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LLOYD AMARAL, Executor of the Estate)
of E. P. Amaral, an individual doing)
business under the firm name and style)
of AMARAL TRUCKING, to transfer assets,)

and)

LLOYD T. AMARAL, doing business as)
AMARAL TRUCKING, for authority to ac-)
quire assets, assume liabilities and to)
operate a Cement Carrier Certificate.)

Application No. 50931
(Filed March 5, 1969)

O P I N I O N

Lloyd Amaral, as Executor of the Estate of E. P. Amaral, requests authority to transfer and Lloyd T. Amaral requests authority to acquire certain certificated authority and property pursuant to an order of the Superior Court in and for the County of Alameda.

The certificated authority was set forth in Resolution No. 13825, Sub. 42, dated June 19, 1964, in File T-2,450, and authorized operations as a cement carrier to and within the Counties of Alameda, Butte, Contra Costa, El Dorado, Fresno, Glenn, Kern, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Tuolumne and Yolo.

After consideration the Commission finds that the 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 Lloyd Amaral, Executor of the Estate of E. P. Amaral,

doing business as Amaral Trucking, and the issuance of a certificate in Appendix form to Lloyd T. Amaral, doing business as Amaral Trucking.

Lloyd T. Amaral 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, Lloyd Amaral, as Executor of the Estate of E. P. Amaral, may transfer, and Lloyd T. Amaral may acquire the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Lloyd T. Amaral 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. Lloyd T. Amaral 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 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. 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. On or before the end of the third month after the consummation of the transfer as herein authorized, Lloyd T. Amaral 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 Lloyd T. Amaral, authorizing him 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.

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. 42, dated June 19, 1964, in File T-2,450, 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, Lloyd T. Amaral 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 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 insurance requirements of the Commission's General Order No. 100-E.
- (b) 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 APRIL, 1969.

William J. Quinn
President

Augusta

Jack P. Morrison

W. H. Brown

Alvin
Commissioners

Lloyd T. Amaral, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a cement carrier from any and all points of origin to and within the Counties of Alameda, Butte, Contra Costa, El Dorado, Fresno, Glenn, Kern, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Tuolumne, and Yolo subject to the following:

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. 75532, Application No. 50931.