

**ORIGINAL**Decision No. 75798

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
 of KEYSER BROS. TRUCKING CO., a  
 California corporation, to transfer  
 its highway common carrier certifi-  
 cate and JAMES E. BAKER, doing  
 business as J. E. Baker Company  
 and J. E. Baker Trucking, a sole  
 proprietor, to acquire said high-  
 way common carrier certificate  
 (Public Utilities Code Section 851).

Application No. 51052  
 (Filed May 2, 1969)

O P I N I O N

Keyser Bros. Trucking Co. requests authority to sell and transfer, and James E. Baker requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The certificate was granted by Decision No. 42623, dated March 15, 1949, in Application No. 29491, and authorizes the transportation of petroleum products between various points in California. Said certificate was suspended by Commission order effective April 28, 1969 for failure to comply with the Commission's rules and regulations governing liability insurance.

Applicant seller is presently in the process of liquidation. The agreed cash consideration is \$2,250.

Applicant purchaser is presently engaged as a permitted carrier and as of March 30, 1969, indicated a net worth in the amount of \$52,168.

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 Keyser Bros. Trucking Co. and the issuance of a certificate in appendix form to James E. Baker, doing business as J. E. Baker Company and J. E. Baker Trucking.

Applicant James E. Baker 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, 1970, Keyser Bros. Trucking Co. may sell and transfer, and James E. Baker, doing business as J. E. Baker Company and J. E. Baker Trucking, may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, purchaser 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. Purchaser 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 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. 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. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser 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 James E. Baker, authorizing him to operate as a highway common carrier, as defined in Section 213 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 Decision No. 42623, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. Within thirty days after the effective date hereof, purchaser shall file a written acceptance of the certificate herein granted. Purchaser 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 the insurance requirements of the Commission's General Order No. 100-E.

8. Purchaser 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.

9. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to transport collect on delivery shipments, he shall make the appropriate tariff filings as required by the General Order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of JUNE, 1969.

William J. Sproule, Jr.  
President  
Augusta  
John H. Moseley  
John H. Moseley  
John H. Moseley  
Commissioners

James E. Baker, an individual, doing business as J. E. Baker Company and J. E. Baker Trucking by the certificate of public convenience and necessity granted by the decision noted in the margin is authorized to conduct operations as a highway common carrier for the transportation of petroleum products in bulk except liquified petroleum gases and any other petroleum products requiring pressurized tanks and except liquid asphalt and hot road oils and any other petroleum products requiring insulated tanks, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of said routes:

1. U. S. 101 and U. S. 101 by-pass between San Francisco and Los Angeles.
2. U. S. 99 between Sacramento and Los Angeles.
3. U. S. 40 between San Francisco and the California-Nevada State Line.
4. U. S. 50 between Sacramento and California-Nevada State Line.
5. U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66.
6. U. S. 66 between Los Angeles and Barstow.
7. U. S. 91 and 466 between Barstow and California-Nevada State Line.
8. U. S. 127 between Baker and California-Nevada State Line.

END OF APPENDIX A

Issued by California Public Utilities Commission.

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