

Decision No. 76091**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of RICHARD J. SISNEROS, an individual, doing business as Al-Rich Tank Lines, to transfer, and NORMA G. WILLIAMS and CAROL G. ROTHERMEL, a partnership, doing business as Nor-Cal Tank Lines, to acquire a certificate of public convenience and necessity to operate as an irregular route petroleum carrier.

Application No. 51227  
(Filed July 7, 1969)

O P I N I O N

Richard J. Sisneros requests authority to sell and transfer and Norma G. Williams and Carol G. Rothermel, a partnership, doing business as Nor-Cal Tank Lines, request authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier.

The certificate was granted by Decision No. 44399, dated June 20, 1950, in Application No. 31203. The rights are also reflected in a certificate of registration issued by the Interstate Commerce Commission in Docket No. MC 120999. The total purchase price is \$6,500, of which \$600 is allocated to the certificate of public convenience and necessity and \$5,900 is allocated to the certificate of registration. As of June 26, 1969, purchasers indicated a net worth in the amount of \$12,100.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

Norma G. Williams and Carol G. Rothermel, copartners, doing business as Nor-Cal Tank Lines, are 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. 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 May 1, 1970, Richard J. Sisneros may sell and transfer, and Norma G. Williams and Carol G. Rothermel may purchase and acquire the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchasers 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. Purchasers shall amend or reissue the 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 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, purchasers 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. Within thirty days after the effective date hereof, purchasers shall file a written acceptance of the certificate, the transfer of which is herein authorized. Purchasers are placed on notice that, if they accept such certificate, 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.

6. Purchasers 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

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in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

7. Purchasers shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchasers elect not to transport collect on delivery shipments, they 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 26th day of AUGUST, 1969.

William S. Jones, Jr.  
President

Assistant

Raymond M. Mansueti

Commissioner

Commissioners