

**ORIGINAL**Decision No. 76153

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 (a) RICHARDS TRUCKING, a California )  
 corporation, to transfer its Cement )  
 Carrier Certificate; and (b) LANG )  
 TRANSPORTATION CORPORATION, a Cali- )  
 fornia corporation, to acquire said )  
 Cement Carrier Certificate. )  
 (Public Utilities Code Section 851) )

Application No. 51262  
 Filed July 22, 1969

O P I N I O N

Richards Trucking requests authority to sell and transfer, and Lang Transportation Corporation requests authority to purchase and acquire, certain specified property including a certificate of public convenience and necessity authorizing operations as a cement carrier.

The certificate was granted by Decision No. 69963, dated November 16, 1965, in Application No. 46380 and authorizes the transportation of cement to and within the Counties of Alameda, Butte, Colusa, Contra Costa, El Dorado, Fresno, Imperial, Kern, Kings, Los Angeles, Marin, Mendocino, Merced, Monterey, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Tehama, Ventura and Yolo from any and all points of origin.

By the instant application applicant seller proposes to transfer all rights covered by the certificate except those covering the Counties of Los Angeles, Santa Barbara and Ventura. The transfer also includes five pieces of equipment. The cash consideration

is \$65,000. A value of \$53,700 is placed upon the equipment and a value of \$11,300 is placed upon the operating authority.

Applicant purchaser is presently engaged in the transportation of cement from any and all points of origin to all points and places within the Counties of Inyo, Los Angeles, Santa Barbara and Ventura pursuant to certificate of public convenience and necessity granted by Resolution No. 13821, Sub. 7, dated June 23, 1964, in Application No. 46447, File T-11,909. Purchaser indicated it has a net worth in the amount of \$145,820.

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 Richards Trucking and Lang Transportation Corporation and the issuance of certificates in appendix form to Richards Trucking and Lang Transportation Corporation.

Applicants 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 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 granted herein 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, Richards Trucking may sell and transfer, and Lang Transportation Corporation 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. Applicants shall amend or reissue their tariffs on file with the Commission, naming rates and rules governing the common carrier operations reflecting the changes herein authorized. The tariff filings shall be made effective not earlier than five 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 authorities granted by this decision.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, certificates of public convenience and necessity are granted to Richards Trucking and Lang Transportation Corporation, authorizing them to operate as cement carriers, 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, attached hereto and made a part hereof.

6. The certificates of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificates of public convenience and necessity granted by Decision No. 69963 and Resolution No. 13821, Sub. 7, which certificates are 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, 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 insurance requirements of the Commission's General Order No. 100-E.

8. 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.

9. Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants 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 10th day of SEPTEMBER, 1969.

William J. ...  
President  
August ...  
J. ...  
...  
...  
Commissioners

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

Richards Trucking, by the certificate of public convenience and necessity granted by 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, restricted as shown below, from any and all points of origin to all points and places within the Counties of Los Angeles, Santa Barbara and Ventura.

RESTRICTIONS:

1. Whenever Richards Trucking engages other carriers for the transportation of property of Richards Trucking or Thermal Operators, Inc., or customers or suppliers of said corporations, Richards Trucking shall not pay such other carriers rates and charges less than the rates and charges published in the Richards Trucking 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.

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## Appendix B                    LANG TRANSPORTATION CORPORATION                    Original Page 1

Lang Transportation Corporation, by the certificate of public convenience and necessity granted by 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 following counties:

Alameda	Mendocino	San Luis Obispo
Butte	Merced	San Mateo
Colusa	Monterey	Santa Barbara
Contra Costa	Napa	Santa Clara
El Dorado	Orange	Santa Cruz
Fresno	Riverside	Shasta
Imperial	Sacramento	Solano
Inyo	San Bernardino	Sonoma
Kern	San Diego	Tehama
Kings	San Francisco	Ventura and
Los Angeles	San Joaquin	Yolo.
Marin		

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

End of Appendix B

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