

ORIGINAL

Decision No. 76491

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of FREIGHT TRANSPORT COMPANY by)
Allan V. Africk, Secretary, to)
sell and transfer a highway common)
carrier certificate to DEPENDABLE)
TRUCKING CO., INC.)

Application No. 51399
(Filed October 2, 1969)

O P I N I O N

Freight Transport Company requests authority to transfer and Dependable Trucking Co., Inc. requests authority to acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The certificate was granted by Decision No. 54666, dated March 12, 1957, as amended by Decision No. 74082, dated May 7, 1968, in Application No. 36473 and authorizes the transportation of general commodities, with certain exceptions, between all points in the Los Angeles Territory. On June 7, 1969 the said operating authority was suspended for failure to maintain on deposit adequate liability insurance in compliance with Commission General Order No. 100-E.

Pursuant to a Court approved plan of arrangement, Dependable Trucking Co., Inc. is to acquire the certificate of public convenience and necessity in consideration of its assuming the liabilities of Freight Transport Company.

Dependable Trucking Co., Inc. is presently operating as a radial highway common carrier. It maintains its office in Los Angeles and as of June 30, 1969 indicated a net worth in the amount of \$105,227.

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

The authorization herein granted shall not be construed as a finding of the value of the rights herein authorized to be transferred.

Dependable Trucking Co., Inc. 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 July 1, 1970, Freight Transport Company may sell and transfer, and Dependable Trucking Co., Inc. may purchase and acquire, the operative rights 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 it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order or 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. 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. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate. Purchaser is placed on notice that, if it accepts such certificate, 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.

6. Purchaser 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

A. 51399 Mjo

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.

7. 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, it shall make the appropriate tariff filings as required by the General Order.

8. Concurrently with the filing of a written request for reinstatement together with evidence of an insurance policy or equivalent protection in effect at the time which meets the standards set forth in Commission General Order No. 100-E and the payment of one hundred and fifty dollars (\$150.00), the operating authority granted by Decision No. 54666, as amended by Decision No. 74082, is hereby reinstated.

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

Dated at San Francisco, California, this 2nd day of DECEMBER, 1969.

William S. ...
President

Augusta

J. P. ...

...

...
Commissioners