

ORIGINAL

Decision No. 76829

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of MILES & SONS TRUCKING SERVICE, )  
a California corporation, to sell )  
and transfer, and of MILES TANK )  
LINES, INC., a California corpo- )  
ration, to purchase and acquire )  
the operating rights of MILES & )  
SONS TRUCKING SERVICE, acquired )  
by Decision No. 55224, dated )  
July 9, 1957, in Application )  
No. 39153. )

Application No. 51564  
(Filed December 18, 1969;  
Amendment Filed December 31,  
1969)

O P I N I O N

By this application, as amended, Miles & Sons Trucking Service (seller), a California corporation, seeks authority to sell and transfer, and Miles Tank Lines, Inc. (purchaser), a California corporation, seeks authority to purchase and acquire, certificates of public convenience and necessity authorizing operations as a highway common carrier of petroleum products and as a petroleum irregular route carrier.

The certificates were acquired by seller pursuant to Decision No. 55224, dated July 9, 1957, in Application No. 39153. The agreed consideration is \$1.00.

The application states that seller is a major hauler of cement as well as a transporter of commodities governed by Minimum Rate Tariffs Nos. 7 and 17, and wishes to concentrate its efforts on said transportation. Purchaser is a new corporation which was formed to handle the transportation authorized by the authorities sought to be transferred herein. The application also

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states that purchaser's president has been employed by seller for 28 years and has had broad experience in all phases of truck transportation. Additionally, persons employed by seller with operating experience in tank truck operations will be employed by purchaser. Exhibit A attached to the application is a copy of purchaser's balance sheet as of November 30, 1969. It discloses total assets of \$370,249.25 and total liabilities of \$320,249.25. The application and amendment thereto were listed on the Commission's Daily Calendar of December 19, 1969 and January 5, 1970. There are no protests.

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 highway common carrier and petroleum irregular route certificates presently held by Miles and Sons Trucking Service, a corporation, and the issuance of highway common carrier and petroleum irregular route certificates, in appendix form, to Miles Tank Lines, Inc., a corporation.

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1970, Miles & Sons Trucking Service, a corporation, may sell and transfer, and Miles Tank Lines, Inc., a corporation, may purchase and acquire, the operative rights and property referred to in the application.

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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 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. 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. In the event the transfer authorized in Paragraph No. 1 hereof is consummated, certificates of public convenience and necessity are granted to Miles Tank Lines, Inc. authorizing it to operate as a highway common carrier and a petroleum irregular route carrier as defined in Sections 213 and 214 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A and Appendix B, respectively, attached hereto and made a part hereof.

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5. The certificates of public convenience and necessity granted in Paragraph 4 of this order shall supersede the certificates of public convenience and necessity acquired pursuant to Decision No. 55224 dated July 9, 1957 in Application No. 39153 which certificates are revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3 hereof.

6. 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.

7. 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.

8. 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 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.

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, it 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 20<sup>th</sup> day of FEBRUARY, 1970.

William J. Jones, Jr.  
President

James L. Stinson  
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Miles Tank Lines, Inc. 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 liquefied 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 routes, and between the points hereinafter specified including all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles of said routes.

1. U. S. 101 and U. S. 101 By-Pass between Oregon-California State Line and Los Angeles;
2. U. S. 99, 99-E, and 99-W between Oregon-California State Line and Los Angeles;
3. U. S. 299 between Redding and Alturas;
4. U. S. 395 between the Oregon-California State Line and the California-Nevada State Line, via Alturas and Johnstonville;
5. State Highway 36 between Junction 99-E near Red Bluff, California, and Junction U. S. 395 at Johnstonville;
6. State Highway 20 between Marysville, California and Junction U. S. 40;
7. U. S. 40 between San Francisco and California-Nevada State Line;
8. U. S. 50 between Sacramento, California, and California-Nevada State Line;
9. U. S. 395 between California-Nevada State Line at Topaz Lake and Junction U. S. 66;
10. U. S. 66 between Los Angeles and Barstow;
11. U. S. 91 and 466 between Barstow and Nevada-California State Line;
12. State Highway 127 between Baker and Nevada-California State Line.

End of Appendix A

Issued by California Public Utilities Commission.

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Miles Tank Lines, Inc. by the certificate of public convenience and necessity granted by the decision noted in the margin is authorized to conduct operations as a petroleum irregular route carrier for the transportation of (a) liquefied petroleum gases and any other petroleum products requiring pressurized tanks, liquid asphalt and hot road oils and other petroleum products requiring insulated tanks between all points and places within the State of California, and (b) all other petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California, except the points and places authorized to be served by it as a highway common carrier as provided in Appendix A hereof.

End of Appendix B

Issued by California Public Utilities Commission.

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