

ORIGINAL

Decision No. 76853

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of LONNIE CASE TRUCKING, INC., a)
 California corporation, to sell)
 and transfer, and of MID-VALLEY)
 TRANSPORTATION, INC., a California)
 corporation, to purchase and acquire)
 the operative rights of LONNIE CASE)
 TRUCKING, INC., acquired by Decision)
 No. 65676, dated 9 July 1963, in)
 Application No. 45419.)

Application No. 51482
 (Filed November 13, 1969)

O P I N I O N

Lonnie Case Trucking, Inc., requests authority to sell and transfer, and Mid-Valley Transportation, Inc., requests authority to purchase and acquire, certificate rights authorizing operation as a petroleum irregular route carrier and as a highway common carrier.

The petroleum irregular route and highway common carrier authorities were granted by Decisions Nos. 47758 and 42866, respectively, in Applications Nos. 33601 and 30036. The authorities were acquired by Lonnie Case Trucking, Inc., pursuant to Decision No. 65678 dated July 9, 1963 in Application No. 45419 and authorized various operations between various points within the state. Said authorities were suspended by Commission Resolution No. TS-049 dated July 15, 1969 for failure to maintain an appropriate tariff filing with the Commission. The agreed cash consideration is \$2,000. As of June 30, 1969, applicant purchaser indicated a net worth in the amount of \$4,842.

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 granted to Lonnie Case Trucking, Inc., by Decision No. 65678 dated July 9, 1963 in Application No. 45419 and the issuance of a highway common carrier certificate and a petroleum irregular route certificate in appendix form to Mid-Valley Transportation, Inc.

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

Mid-Valley Transportation, 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 August 15, 1970, Lonnie Case Trucking, Inc., may sell and transfer, and Mid-Valley Transportation, 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 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 1 hereof is consummated, certificates of public convenience and necessity are granted to Mid-Valley Transportation, 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 Appendices A and B, respectively, attached hereto and made a part hereof.

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. 65678 dated July 9, 1963 in Application No. 45419 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 3rd day of MARCH, 1970.

William Symons Jr.
President

August

P. D. Brown

J. D. [unclear]

Vernon L. Stinson
Commissioners

Mid-Valley Transportation, 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 liquified petroleum gases and any other petroleum products requiring pressurized tanks, along the 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 California-Mexican Line;
2. U.S. 99, 99-E, and 99-W between Oregon-California State Line and the Mexican Border;
3. U.S. 299 between Redding and Alturas, California;
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, California, and Needles;
11. U.S. 60 between Los Angeles, California, and California-Arizona State Line;
12. U.S. 91 and 466 between Barstow and Nevada-California State Line;
13. State Highway 127 between Baker and Nevada-California State Line."

END OF APPENDIX A

Issued by California Public Utilities Commission.

Decision No. 76853, Application No. 51482.

Mid-Valley Transportation, 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 petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California except the transportation of liquified petroleum gases and any other petroleum products requiring pressurized tanks, between points and places and over the routes 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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