

Decision No. 77422**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RUTH A. GRAY, an individual, doing)
 business as GEORGE GRAY TRUCKING,)
 to sell and transfer a certificate)
 of public convenience and necessity)
 authorizing the transportation of)
 cement to PRESTON B. DUNGAN, dba)
 DUNGAN TRUCKING.)

Application No. 51880
 (Filed May 6, 1970)

INTERIM OPINION

Ruth A. Gray, doing business as George Gray Trucking, requests authority to sell and transfer, and Preston B. Dungan, doing business as Dungan Trucking, requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a cement carrier.

The certificate was granted by Decision No. 73718, dated February 14, 1968, in Application No. 49808, and authorizes the transportation of cement to and within the Counties of Kern, Los Angeles, Orange, Riverside and San Bernardino. The agreed cash consideration is \$5000.

Applicant purchaser has been employed as a cement truck driver in the Southern California area for the past ten years. He presently owns a tractor and proposes to purchase trailer equipment. As of March 17, 1970, applicant purchaser indicated a net worth in the amount of \$15,710.

Because there is some question as to whether the authority to serve Kern County has lapsed and terminated pursuant to Section 1065.2 of the Public Utilities Code for failure to

serve said county for a period of one year, the transfer hereinafter authorized will be limited to the remaining counties. Final determination of the Kern County portion of the certificate will be deferred pending further order of the Commission.

After consideration the Commission finds that with the exception of Kern County, the proposed transfer would not be adverse to the public interest. A public hearing on this phase of the application is not necessary.

INTERIM ORDER

IT IS ORDERED that:

1. On or before December 1, 1970, Ruth A. Gray may sell and transfer, and Preston B. Dungan may purchase and acquire, the operative rights referred to in the application, with the exception of Kern County.

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 he has adopted or established, as his 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.

A. 51880 ra/gf *

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. A certificate of public convenience and necessity is granted to Preston B. Dungan, authorizing him to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, between the points particularly set forth in Appendix A attached hereto and made a part hereof. ✓

6. The certificate of public convenience and necessity granted by Paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted to the seller by Decision No. 73718 dated February 14, 1968, in Application No. 49808 (except as to Kern County), which certificate is revoked, to the extent specified, effective concurrently with the tariff filings required by Paragraph 3 hereof.

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 he accepts such certificate, he will be required, among other things, to

A. 51880 ra

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 his 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 his 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, he 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 20th day of JUNE, 1970.

William J. Sweeney
President
August
W. J. Sweeney
Thomas L. Sweeney
Commissioners

Preston B. Dungan, an individual, doing business as Dungan Trucking, by the certificate of public convenience and necessity granted by the decision noted in the margin is authorized to conduct operations 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 in the counties of Los Angeles, Orange, Riverside and San Bernardino, subject to the following restriction:

"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.

Decision No. 77422, Application No. 51880.