

ORIGINAL

Decision No. 77796

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter Joint Application of  
ROY PETERS, doing business as PETE'S  
TRUCKING SERVICE, for an order  
authorizing the sale and transfer of  
the EL DORADO COUNTY portion of  
Cement Carrier Certificate to  
FRANK E. HICKS TRUCKING.

Application No. 51909  
(Filed May 18, 1970)

O P I N I O N

Roy Peters requests authority to sell and transfer, and Frank E. Hicks requests authority to purchase and acquire, a portion of a certificate of public convenience and necessity authorizing operations as a cement carrier.

The certificate was granted by Decision No. 68646, dated February 24, 1965, in Application No. 46346 and authorizes the transportation of cement from any and all points within the State to all points and places in the counties of Colusa, Nevada, Placer, El Dorada, Sacramento, San Francisco, San Mateo, Santa Clara and Sutter. The transfer relates only to El Dorado County. The agreed cash consideration is \$2,000. As of December 31, 1969, applicant purchaser indicated a net worth in the amount of \$49,210.

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 certificate presently held by Roy Peters and the issuance of certificates in appendix form to Roy Peters and Frank E. Hicks.

Roy Peters and Frank E. Hicks 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.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1971, Roy Peters, doing business as Pete's Trucking Service, may sell and transfer, and Frank E. Hicks, doing business as Frank E. Hicks Trucking, 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. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that they have adopted or established, as their 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. 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.

4. In the event the transfer authorized in paragraph 1 hereof is consummated, certificates of public convenience and necessity are granted to Roy Peters and Frank E. Hicks 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.

5. The certificates of public convenience and necessity granted in paragraph 4 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 68646, dated February 24, 1965, in Application No. 46346, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

6. Within thirty days after the transfer herein authorized is consummated, applicants shall file written acceptance 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-F.

7. 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.

8. 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 6<sup>th</sup> day of OCTOBER, 1970.

J. P. Sullivan  
Chairman  
Augusta  
William J. Spence  
Thomas J. Spence  
Vernon L. Steigman  
Commissioners

Frank E. Hicks, an individual, doing business as Frank E. Hicks 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 any and all points in the county of El Dorado 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. 77796 Application No. 51909

Roy Peters, an individual, doing business as Pete's Trucking Service, 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 any and all points in the counties of Colusa, Nevada, Placer, Sacramento, San Francisco, San Mateo, Santa Clara and Sutter, 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 B

Issued by California Public Utilities Commission

Decision No. 77796 Application No. 51909