

Decision No. 77851**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of:

(a) ROLAND F. MASON, INC., a corporation to purchase, and of ROLAND F. MASON, an individual, doing business as VALLEY TRANSPORTATION to sell a certificate of public convenience and necessity for the transportation of cement as a highway common carrier, pursuant to Sections 3620-3625 of the California Public Utilities Code.

Application No. 52120  
(Filed August 7, 1970)

(b) ROLAND F. MASON, INC., a corporation, to issue shares of its common capital stock, pursuant to Section 816-830 of the California Public Utilities Code.

O P I N I O N

Roland F. Mason requests authority to sell and transfer, and Roland F. Mason, Inc. requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a cement carrier. The applicant purchaser also requests authority to issue 100 shares of its capital stock having a par value of \$100 per share.

The certificate was granted by Resolution No. 13821 subparagraph 75 dated June 23, 1964, in Application No. 46414.

Applicant seller is the president of applicant purchaser and if the authority to issue stock is granted, applicant seller and his wife will be the sole stockholders of applicant purchaser.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest, that seller operated within all of the counties he is authorized to serve within the last year and that the

money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. 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 Roland F. Mason and the issuance of a certificate in appendix form to Roland F. Mason, Inc.

Roland F. Mason, 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. 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, Roland F. Mason may sell and transfer, and Roland F. Mason, 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. 117. Failure to comply with and observe the provisions of General Order No. 117 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, a certificate of public convenience and necessity is granted to Roland F. Mason, Inc., authorizing it 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.

5. The certificate of public convenience and necessity granted in paragraph 4 of this order shall supersede the certificate of public convenience and necessity granted by Resolution No. 13821, Subparagraph 75, dated June 23, 1964, in Application No. 46414, 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, purchaser shall file a written acceptance of the certificate herein granted. Purchaser is placed on notice that, if it accepts the certificate of public convenience and necessity herein

granted, it 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.

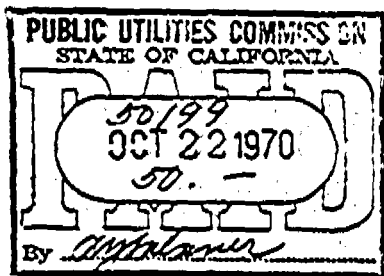
7. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

8. After the effective date hereof, for the purposes specified herein, purchaser may issue not exceeding 100 shares of its \$100 par value capital stock.

9. Purchaser shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is made a part of this order.

The authority herein granted to issue capital stock will become effective when purchaser has paid the minimum fee prescribed by Section 1904(1) of the Public Utilities Code, which fee is \$50. In other respects 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 OCTOBER, 1970.



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Chairman  
*William J. ...*  
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*James L. ...*  
Commissioner

Roland F. Mason, Inc., a corporation, 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 Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura, 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. 77851 Application No. 52120.