

ORIGINAL

Decision No. 78691

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ROCK TRANSPORT, INC., a California
Corporation, to sell and transfer a
certificate of public convenience and
necessity authorizing the transpor-
tation of cement to LES CALKINS
TRUCKING, INC., a California corpor-
ation.

Application No. 52528
(Filed April 2, 1971)

O P I N I O N

Rock Transport, Inc., requests authority to sell and trans-
fer, and Les Calkins Trucking, Inc., 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. 75327, dated
February 18, 1969, in Application No. 50767, and authorized the
transportation of shipments of cement between a number of counties
within the state. The transfer relates to the Counties of Calaveras,
Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Marin, Modoc,
Monterey, Nevada, Sierra, Siskiyou, Sonoma, Sutter, Tehama, Trinity,
Yuba, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and
Ventura. The agreed cash consideration is \$16,800.

Applicant purchaser is presently conducting operations as a
cement carrier in certain counties within the state under a certificate
granted by Decision No. 76976, dated March 24, 1970, in Application
No. 51285, and as of May 30, 1970, indicated a net worth in the amount
of \$48,845.

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 presently held by Rock Transport, Inc., and Les Calkins Trucking, Inc., and the issuance of certificates in appendix form to Rock Transport, Inc., and Les Calkins Trucking, Inc.

Applicants 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. 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 December 1, 1971, Rock Transport, Inc., may sell and transfer, and Les Calkins Trucking, 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. 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 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 Rock Transport, Inc., and Les Calkins Trucking, Inc., authorizing them to operate as cement carriers, as defined in Section 214.1 of the Public Utilities Code, between the points 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 certificates of public convenience and necessity granted by Decisions Nos. 75327 and 76976, which certificates are 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 acceptances of the

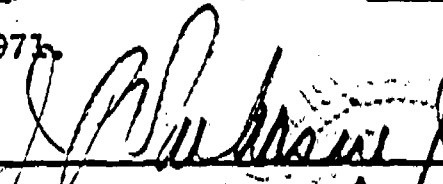
certificates herein granted. Applicants are placed on notice that, if they accept the certificates of public convenience and necessity herein granted, they will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and insurance requirements of the Commission's General Order No. 100-F.

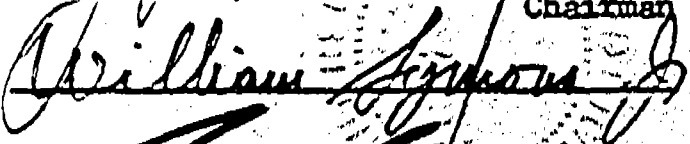
7. Applicants shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of their 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.

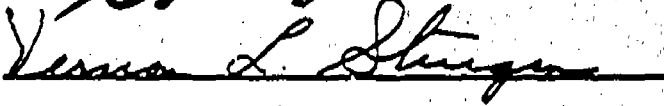
The effective date of this order shall be twenty days after the date hereof.

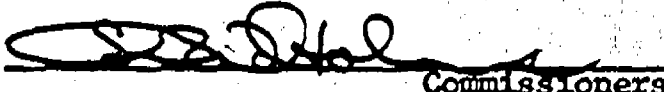
Dated at San Francisco, California, this 11th day of MAY, 197h.



Chairman








Commissioners

Rock Transport, Inc., 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 within the following counties, subject to the restrictions shown below:

Alameda, Amador, Butte, Contra Costa, El Dorado, Fresno, Mendocino, Napa, Placer, Plumas, Sacramento, San Francisco, San Joaquin, Santa Clara, Shasta, Solano, Stanislaus, Tuolumne, Yolo.

RESTRICTIONS:

1. Whenever Rock Transport, Inc., engages other carriers for the transportation of property of Rock Transport, Inc., or Redding Transit Mix, Inc., or customers or suppliers of said corporations, Rock Transport, Inc., shall not pay such other carriers rates and charges less than the rates and charges published in the carrier's tariffs on file with this Commission.
2. 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. 78691, Application No. 52528.

Les Calkins Trucking, Inc., 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 within the following counties, subject to the restriction shown below:

Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba.

This certificate shall lapse and terminate if not exercised for a period of one year.

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

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