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ORIGINAL

Decision No. 78761

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 trans-  
portation of cement to EARL W. HUDSON  
dba HUDSON TRUCKING.

Application No. 52563  
(Filed April 19, 1971)

O P I N I O N

Rock Transport, Inc., requests authority to sell and transfer, and Earl W. Hudson, doing business as Hudson Trucking, 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. 78691, dated May 18, 1971, in Application No. 52528 and authorizes operations in a number of counties within the state. The transfer relates to the Counties of Amador, Fresno, Napa, and San Francisco only. The agreed cash consideration is \$4,000. Applicant purchaser is presently operating as a cement carrier.

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 applicants, seller and purchaser, and the issuance of new certificates.

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 Earl W. Hudson, doing business as Hudson 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. Purchaser and seller 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 two days after the effective date of this order on not less than two 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 Rock Transport, Inc. and Earl W. Hudson, doing business as Hudson Trucking, 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 as set forth in Appendix A of Decision No. 78691 and Resolution No. 13821 dated June 23, 1964, in Application No. 46403, as amended by Decision No. 67921, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

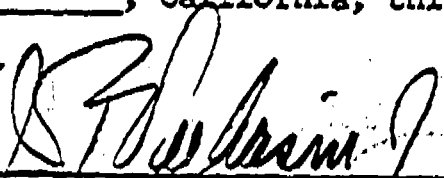
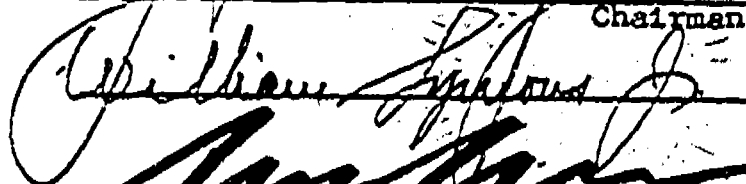
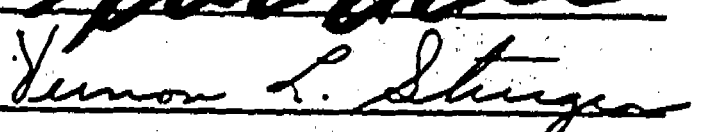

6. Within thirty days after the transfer herein authorized is consummated, applicants shall file written acceptances of the certificates herein granted. Applicants are placed on notice that, if they accept the certificates of public convenience and necessity herein granted, they will be required, among 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, their annual reports 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 the date hereof.

Dated at San Diego, California, this 2nd day of JUNE, 1971.

  
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Chairman  
  
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William L. Stinger  
  
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Vernon L. Stinger  
  
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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, Butte, Contra Costa, El Dorado,  
Mendocino, Placer, Plumas, Sacramento, San  
Joaquin, Santa Clara, Shasta, Solano, Stanislaus  
Tuolumne, Yolo.

RESTRICTION:

1. Whenever Rock Transport, Inc., engages other carriers for the transportation of property of the 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. 78751, Application No. 52563.

Earl W. Hudson, doing business as Hudson Trucking, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operation 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	Marin	San Mateo
Amador	Mendocino	Santa Clara
Butte	Merced	Shasta
Colusa	Modoc	Sierra
Contra Costa	Mono	Siskiyou
El Dorado	Napa	Solano
Fresno	Nevada	Sonoma
Glenn	Placer	Stanislaus
Lake	Sacramento	Tehama
Lassen	San Francisco	Tuolumne
Madera	San Joaquin	Plumas
		Yuba

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. 78751, Application No. 52563.