

ORIGINAL

Decision No. 78782

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LEE G. GALE, an individual, and PYRAMID COMMODITIES, a California corporation, for authority for Lee Gale, an individual, to transfer operating rights to Pyramid Commodities, a California corporation.

Application No. 52485
(Filed March 9, 1971;
Amended March 30, 1971)

O P I N I O N

By this amended application L. G. Gale, an individual, seeks to transfer to Pyramid Commodities (a California corporation with L. G. Gale as president) a cement carrier certificate granted by Decision No. 69922 in Application No. 46537.

There are no protests to the transfer.

After consideration, the Commission finds that:

1. A public hearing is not necessary.
2. The proposed transfer will not be adverse to the public interest.

The Commission concludes that the proposed transfer should be authorized. However, the action taken herein shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

The order which follows will provide for the revocation of the certificate presently held by Lee G. Gale and the issuance of a certificate in appendix form to Pyramid Commodities.

Pyramid Commodities 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 August 2, 1971, Lee G. Gale may transfer, and Pyramid Commodities may acquire, the operative rights and property referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Pyramid Commodities 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. Pyramid Commodities 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 ten days after the effective date of this order on not less than ten 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. On or before the end of the third month after the consummation of the transfer as herein authorized, Pyramid Commodities 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 Lee G. Gale for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Pyramid Commodities 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.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 69922, in Application No. 46537, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. Within thirty days after the effective date hereof, Pyramid Commodities shall file a written acceptance of the certificate, the transfer of which is herein authorized. Pyramid Commodities is placed on notice that, if it accepts such certificate, it will

be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-F.

8. Pyramid Commodities 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.

9. Pyramid Commodities shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If Pyramid Commodities elects not to transport collect on delivery shipments, it 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 15th day of JUNE, 1971.

J. W. ...
Chairman
William ...
...
Vernon L. Sturgeon
...
Commissioners

Pyramid Commodities, a corporation, by the certificate of public convenience and necessity granted in 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 Counties of Fresno, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura, subject to the following restrictions:

1. This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.
2. Whenever Pyramid Commodities engages other carriers for the transportation of property of Pyramid Commodities or customers or suppliers of said corporation, Pyramid Commodities shall not pay such carriers less than 100% of the rates and charges contained in the tariffs of Pyramid Commodities on file with the Commission.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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