

ORIGINAL

Decision No. 79065

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HUNTE TRUCKING )  
 COMPANY, INC., d/b/a HUNTE )  
 TRUCKING COMPANY, a California )  
 Corporation, for an Order )  
 Authorizing the Transfer of a )  
 Cement Carrier Certificate )  
 From LOUIS H. HUNTE, an )  
 Individual, to HUNTE TRUCKING )  
 COMPANY, INC., a Corporation, )  
 and For a Permit To Issue )  
 Stock. )

Application No. 52758  
Filed July 19, 1971

O P I N I O N

Louis H. Hunte, doing business as Hunte Trucking Company, seeks an order of the Commission authorizing him to transfer his cement carrier certificate of public convenience and necessity and related assets to Hunte Trucking Company, Inc., and the latter seeks authority to assume liabilities and to issue 422 shares of its no par value capital stock.

Louis H. Hunte operates as a cement carrier pursuant to a certificate of public convenience and necessity granted by Decision No. 73739, dated February 20, 1968, in Application No. 49906. He also operates pursuant to permits issued by the Commission.

Hunte Trucking Company, Inc. is a California corporation incorporated on or about March 15, 1971. The company proposes to acquire said cement carrier certificate of public convenience and necessity and related assets, subject to liabilities, from Louis H. Hunte in exchange for 422 shares of its no par value capital stock. Its pro forma balance sheet at February 28, 1971, after giving effect to the proposed transactions, based upon information in the application and in Exhibit 3 attached thereto, is summarized as follows:

Assets

Current assets	\$49,849
Net fixed assets	29,485
Other assets	<u>1,650</u>
Total	<u>\$80,984</u>

Liabilities

Current liabilities	\$ 3,257
Equipment obligation	35,527
Capital stock	<u>42,200</u>
Total	<u>\$80,984</u>

After consideration the Commission finds that:

1. The proposed transactions would not be adverse to the public interest.
2. The proposed stock issue is for a proper purpose.

3. The money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings we conclude that the application should be granted. A public hearing is not necessary. The action taken herein shall not be construed as a finding of the value of the properties to be transferred. So far as the rights are concerned, the authorization herein granted is for the transfer of a cement carrier certificate of public convenience and necessity only. Any transfer of permitted operative rights must be the subject of a separate application or applications.

The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Louis H. Hunte and the issuance of a certificate in appendix form to Hunte Trucking Company, Inc.

Hunte Trucking Company, 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, these rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or cancelled 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. Louis H. Hunte may sell and transfer, and Hunte Trucking Company, Inc. may purchase and acquire, the cement carrier certificate of public convenience and necessity and property referred to in the application.

2. Hunte Trucking Company, Inc., on or after the effective date hereof and on or before November 30, 1971, in acquiring said certificate and assets, subject to current liabilities, may assume the long-term equipment obligation referred to in the application and issue not exceeding 422 shares of its no par value capital stock.

3. Hunte Trucking Company, Inc. shall file with the Commission the report required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

4. Within thirty days after the consummation of the transfer herein authorized, Hunte Trucking Company, Inc. 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.

5. Hunte Trucking Company, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the cement 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.

6. In the event the transfer authorized in Paragraph No. 1 hereof is consummated, a certificate of public convenience and necessity is granted to Hunte Trucking Company, 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.

7. The certificate of public convenience and necessity granted in Paragraph No. 6 of this order shall supersede the certificate of public convenience and necessity granted to Louis H. Hunte by Decision No. 73739, which certificate is revoked effective concurrently with the effective date of the tariff filings required by Paragraph No. 5 hereof.

8. Within thirty days after the transfer herein authorized is consummated, Hunte Trucking Company, Inc. shall file a written acceptance of the certificate herein granted. Hunte Trucking Company, Inc. is placed on notice that, if it accepts the certificate of public convenience and necessity

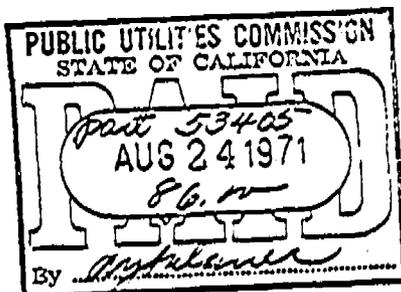
herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, and the insurance requirements of the Commission's General Order No. 100-F.

9. Hunte Trucking Company, Inc. 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.

10. Hunte Trucking Company, Inc. shall comply with the requirements of the Commission's General Order No. 34-Series for the transportation of collect on delivery shipments. If Hunte Trucking Company, Inc. elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

11. This order shall become effective when Hunte Trucking Company, Inc. has paid the fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$86.

Dated at San Francisco, California,  
this 24<sup>th</sup> day of AUGUST, 1971.



[Signature] Chairman  
William J. Amos Jr.  
[Signature]  
Samuel L. Stinson  
[Signature] Commissioners

Hunte Trucking Company, 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 County of San Diego, subject to the restrictions shown below:

## RESTRICTION:

1. Whenever Hunte Trucking Company, Inc. engages other carriers for the transportation of property of Hunte Trucking Company, Inc., or H. G. Fenton Material Company, a corporation, or Pre-Mixed Concrete Company, a corporation, or Monarch Materials Company, a corporation, or Western Salt Company, a corporation, or customers or suppliers of said corporations, Hunte Trucking Company, 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. 79065, Application No. 52758.