

ORIGINAL

Decision No. 79137

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of BOLAND TRUCKING COMPANY, INC.,)
a California corporation, and of)
I. W. BOLAND, an individual doing)
business as BOLAND TRUCKING)
COMPANY, to sell and transfer, a)
certificate of public convenience)
and necessity, and property,)
pursuant to the Public Utilities)
Code, Sections 851 and 1063; and)
for said corporation to issue)
stock and notes, and to assume)
liabilities, pursuant to the)
Public Utilities Code, Section)
816, et seq.)

Application No. 52811
Filed August 16, 1971

O P I N I O N

I. W. Boland, doing business as Boland Trucking Company, seeks an order of the Commission authorizing him to transfer his highway common carrier certificate of public convenience and necessity and related assets to Boland Trucking Company, Inc., and the latter seeks authority to assume liabilities, and to issue a \$25,000 note and 9,000 shares of its \$1 par value common stock.

I. W. Boland operates as a highway common carrier of general commodities in the San Francisco-East Bay Cartage Zone pursuant to a certificate of public convenience and necessity

granted by Decision No. 52695, dated February 28, 1956, in Application No. 37382. Operations are also conducted under permits issued by this Commission and under Interstate Commerce Commission authority.

Boland Trucking Company, Inc. is a California corporation incorporated on or about June 28, 1971. In exchange for said certificate and assets, subject to liabilities, the corporation proposes to issue a \$25,000 5% note and 9,000 shares of its \$1 par value common stock. The note would be repayable in 20 consecutive semi-annual installments. A pro forma balance sheet as of June 30, 1971, after giving effect to the proposed transactions, is summarized from Exhibit No. 3, attached to the application, as follows:

Assets

Current assets	\$ 21,690
Net property and equipment	86,634
Other assets	<u>6,951</u>
 Total	 <u>\$115,275</u>

Liabilities

Current liabilities	\$ 15,076
Equipment obligations	30,308
Note payable	25,000
Common stock	9,000
Paid-in surplus	<u>35,891</u>
 Total	 <u>\$115,275</u>

After consideration the Commission finds that:

1. The proposed transfer would not be adverse to the public interest.
2. The proposed note and stock issues are for a proper purpose.

3. The money, property or labor to be procured or paid for by the note and stock issues 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 the highway common 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 I. W. Boland and the issuance of a certificate in appendix form to Boland Trucking Company, Inc.

Boland 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 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. I. W. Boland may sell and transfer, and Boland Trucking Company, Inc. may purchase and acquire, the highway common carrier certificate of public convenience and necessity and related assets referred to in the application.

2. Boland Trucking Company, Inc., on or after the effective date hereof and on or before December 31, 1971, in acquiring said certificate and assets, may assume outstanding liabilities and issue (a) a note in the principal amount of not exceeding \$25,000, and (b) not exceeding 9,000 shares of its \$1 par value common stock. The note shall be in substantially the same form as Exhibit No. 6, attached to the application.

3. Boland Trucking Company, Inc. shall file with the Commission a report as 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, Boland 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. Boland Trucking Company, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the highway 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. 80-A. Failure to comply with and observe the provisions of General Order No. 80-A 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 Boland Trucking Company, Inc., authorizing it to operate as a highway common carrier, as defined in Section 213 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 I. W. Boland by Decision No. 52695, 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, Boland Trucking Company, Inc. shall file a written acceptance of the certificate herein granted. Boland 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.

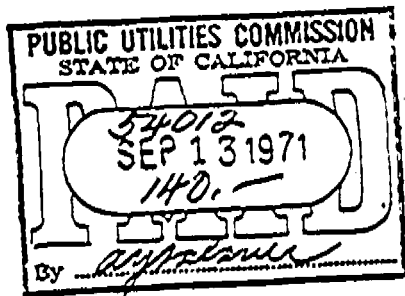
9. Boland Trucking Company, Inc. shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual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

10. Boland Trucking Company, Inc. shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If Boland Trucking Company, Inc. elects not to transport collect on delivery shipments, it shall made the appropriate tariff filings as required by the General Order.

11. This order shall become effective when Boland Trucking Company, Inc. has paid the fees prescribed by Sections 1904(b) and 1904.1 of the Public Utilities Code, which fees are \$50 and \$90, respectively, amounting to a total of \$140.

Dated at San Francisco, California, this 27th day of SEPTEMBER, 1971.

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Chairman
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Commissioners



Boland 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 highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of general commodities, except as follows:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff 4-8;
2. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers;
3. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles;
4. Commodities when transported in bulk in dump trucks or in hopper type trucks;
5. Commodities when transported in motor vehicles equipped for mechanical mixing in transit;

between all points and places within the limits of the San Francisco-East Bay Cartage Zone embraced by the following boundary:

Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to So. Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence south-easterly along an imaginary line one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly

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along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 160th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.

The foregoing description includes the following points or portions

thereof:

Alameda	El Cerrito	Oakland Pier	San Leandro
Alameda Pier	Elkton	Ocean View	San Lorenzo
Albany	Elmhurst	Piedmont	San Mateo
Baden	Emeryville	Point Castro	San Pablo
Bay Farm Island	Ferry Point	Point Fleming	South San
Bayshore	Fruitvale	Point Isabel	Francisco
Berkeley	Government Island	Point Molate	Stege
Bernal	Hayward	Point Orient	Tanforan
Brisbane	Lawndale	Point Potrero	Treasure
Broadway	Lomita Park	Point Richmond	Island
Burlingame	Melrose	Point San Pablo	Union Park
Camp Knight	Millbrae	Richmond	Visitacion
Castro Valley	Mills Field	Russell City	Westlake
Colma	Mt. Eden	San Bruno	Winhaven
Daly City	Oakland	San Francisco	Yerba Buena
East Oakland	Oakland Municipal Airport	San Francisco Inter-	Island
		national Airport	

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