

ORIGINAL

Decision No. 79140

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PHILLIPS TRUCKING CORP., a)
corporation, to sell and transfer)
a certificate of public conve-)
nience and necessity authorizing)
the transportation of cement to)
RAYMOND E. SKAGGS, an individual.)

Application No. 52761
(Filed July 21, 1971)

O P I N I O N

Pursuant to Decision No. 78505 issued April 2, 1971, in Application No. 52449, applicant Phillips Trucking Corp. (hereinafter called Phillips) is authorized to transport cement as a certificated cement carrier from any and all points of origin within California to and within the County of Sonoma. Phillips has requested and has been granted authority to suspend operation pursuant to Decision No. 78604 in Application No. 52449. The financial statement of Phillips as of December 31, 1970, is attached to the application as Exhibit A.

Applicant Raymond E. Skaggs (hereinafter called Skaggs) conducts operations as a certificated cement carrier pursuant to Decision No. 76037, issued August 19, 1969, in Application No. 51207, authorizing transportation from any and all points of origin to all points and places within the Counties of Contra Costa, Sacramento, San Joaquin, Solano and Yolo. The financial statement of Skaggs as of December 31, 1970, attached to the application herein as Exhibit C, shows assets of \$64,430.43, liabilities of \$33,969.74 and a net worth of \$30,460.69. Exhibit D to the application is a list of the motor vehicle equipment which Skaggs presently operates pursuant to his existing authorities. If it is necessary to purchase additional equipment to conduct the proposed operation, Skaggs will do so.

Applicants herein request authorization from this Commission for Phillips to sell and Skaggs to purchase Phillips' certificate of public convenience and necessity described above. The agreement providing for such purchase and sale for a price of \$900 is dated July 11, 1971, and is attached to the application as Exhibit B. Subsequent to the death of Mr. James S. Phillips, applicant Phillips has determined it would be to its best interest to cease and terminate the transportation of cement to Sonoma County.

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, in the event the transfer is consummated, for the revocation of the certificates presently held by Phillips and by Skaggs and the issuance of certificates in appendix form to Phillips and to Skaggs.

Phillips and Skaggs 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 March 1, 1972, Phillips Trucking Corp. may sell and transfer, and Raymond E. Skaggs 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. The tariff filings of Phillips Trucking Corp. shall also show that its operative rights granted in this order have been suspended pursuant to its request in Application No. 52449.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, certificates of public convenience and necessity are granted to Phillips Trucking Corp. and to Raymond E. Skaggs, 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, respectively, attached hereto and made a part hereof.

6. The certificates of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificates of public convenience and necessity granted by Decisions Nos. 78505.

and 76037, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. 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.

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.

9. Concurrently with the tariff filings required of Phillips Trucking Corp. by Ordering Paragraphs 3 and 4 hereof, the operating authority granted to Phillips Trucking Corp. by Ordering Paragraph 5 hereof is hereby suspended.

10. 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.

11. During the period of suspension, Phillips Trucking Corp. shall continue to file quarterly reports and pay fees pursuant to Section 5003.1 of the Public Utilities Code.

12. Prior to the expiration date of the suspension period or the date service is resumed when the latter date is earlier than said expiration date, Phillips Trucking Corp. shall file a list of

motor equipment to be operated and file and have in effect evidence of adequate liability insurance protection in compliance with Commission General Order No. 100-F.

13. Tariff schedules naming rates and rules governing the common carrier operations of Phillips Trucking Corp. herein shall be brought up to date in compliance with all applicable Commission minimum rate orders. The required tariff filings shall be made effective on not less than ten days' notice to the Commission and to the public and the effective date of the tariff filings shall be concurrent with the expiration date of the suspension period or the date when service is resumed when the latter date is prior to said expiration date.

14. The authority to suspend operations granted Phillips Trucking Corp. herein shall expire on March 16, 1972 or upon resumption of operations which may be effected upon compliance with Ordering Paragraphs 11, 12 and 13.

15. Phillips Trucking Corp. is placed on notice that commencement of operations under the certificate referred to in Ordering Paragraph 5 herein, prior to compliance with Ordering Paragraphs 11, 12 and 13, may be cause for further suspension or revocation of the operating authority of Phillips Trucking Corp.

The effective date of this order shall be the date hereof.

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

Chairman

Commissioners

Phillips Trucking Corp., 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 any and all points in the Counties of:

Alameda	Marin	San Joaquin
Fresno	Monterey	San Luis Obispo
Humboldt	Napa	Santa Barbara
Imperial	Orange	Santa Clara
Inyo	Riverside	Solano
Kern	Sacramento	Tulare
Kings	San Benito	Ventura
Lake	San Bernardino	Yolo
Los Angeles	San Diego	
Madera	San Francisco	

Restriction: 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. 79140, Application No. 52761.

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Appendix B

RAYMOND E. SKAGGS
(an individual)

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Raymond E. Skaggs, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a cement carrier from any and all points of origin to all points and places within the Counties of Contra Costa, Sacramento, San Joaquin, Solano, Sonoma and Yolo.

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

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