

ORIGINAL

Decision No. 79331

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of CHARLES DE BOER, Doing  
Business as DE BOER TRUCK LINES,  
to Sell and Transfer a Certificate  
of Public Convenience and  
Necessity to DE BOER TRUCK LINES,  
INC., a Corporation,

and of

DE BOER TRUCK LINES, INC., for  
Authority to Issue 6,560 Shares  
of Its Common Capital Stock  
without Par Value in Payment of  
the Purchase Price of the  
Operative Rights and Property  
Proposed to Be Acquired under  
and pursuant to Sections 1063  
and 1064.1 of the Public  
Utilities Code of the State of  
California.

Application No. 52892  
Filed September 27, 1971

O P I N I O N

Charles De Boer, doing business as De Boer Truck Lines, seeks an order of the Commission authorizing him to transfer his highway common carrier certificate of public convenience and necessity and related assets to De Boer Truck Lines, Inc., and the latter seeks authority to assume liabilities and to issue 6,560 shares of its no par value common capital stock.

Charles De Boer operates as a highway common carrier of general commodities in portions of central California pursuant to a certificate of public convenience and necessity granted by Decision No. 63119, dated January 16, 1962, in Application No. 42977, as subsequently amended. Operations are also conducted under permits issued by this Commission and under certificate of registration issued by the Interstate Commerce Commission. His balance sheet as of December 31, 1970 is summarized from Exhibit A, attached to the application, as follows:

Assets

Current assets	\$ 45,118
Net property and equipment	133,519
Other assets	<u>16,548</u>
Total	<u>\$195,185</u>

Liabilities

Current liabilities, excluding equipment obligations	\$ 49,544
Equipment obligations, including current portion	80,035
Proprietary capital	<u>65,606</u>
Total	<u>\$195,185</u>

De Boer Truck Lines, Inc. is a California corporation incorporated on or about March 23, 1971. In exchange for said certificate and assets, subject to liabilities, the corporation proposes to issue 6,560 shares of its no par value common capital stock.

After consideration the Commission finds that:

1. The proposed transfer would not be adverse to the public interest.
2. Public convenience and necessity require the service of De Boer Truck Lines, Inc. for intra-state and interstate and foreign commerce.
3. The proposed stock issue is for a proper purpose.
4. 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 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 Charles De Boer and the issuance of a certificate in appendix form to De Boer Truck Lines, Inc., which certificate will not exceed in scope the certificate presently held by Charles De Boer.

De Boer Truck Lines, 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. On or before April 30, 1972 Charles De Boer may sell and transfer, and De Boer Truck Lines, Inc. may purchase and acquire, the highway common carrier certificate of public convenience and necessity and related assets referred to in the application.
2. De Boer Truck Lines, Inc., on or after the effective date hereof and on or before April 30, 1972, in acquiring said certificate and assets, may assume outstanding liabilities and issue not exceeding 6,560 shares of its no par value common capital stock.
3. De Boer Truck Lines, 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, De Boer Truck Lines, Inc. shall notify the Commission 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. De Boer Truck Lines, 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 De Boer Truck Lines, Inc., authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendices A and B 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 Charles De Boer by Decision No. 63119, as amended, 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, De Boer Truck Lines, Inc. shall file a written acceptance of the certificate herein granted. De Boer Truck Lines, 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. De Boer Truck Lines, 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.

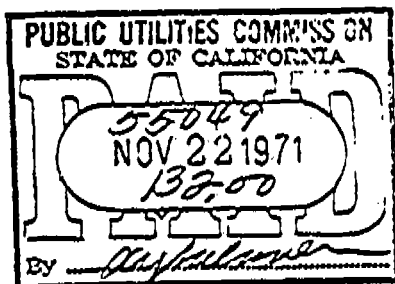
10. De Boer Truck Lines, Inc. shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If De Boer Truck Lines, Inc. elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as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

11. The authority herein granted to issue stock shall become effective when De Boer Truck Lines, Inc. has paid the fee prescribed by Section 1904.1 of the Public

Utilities Code, which fee is \$132. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of NOVEMBER, 1971.

[Signature]  
Chairman  
[Signature]  
[Signature]  
[Signature]  
Commissioners



De Boer Truck Lines, Inc., 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 highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

1. Between all points and places on and within ten miles laterally of the following routes:
  - a. Interstate Highway 80 between San Francisco and Auburn, inclusive. (SEE NOTE.)
  - b. Between Oakland and Marysville via State Highways 24, 4, 160, 16 and 113, U.S. Highway 99, and State Highway 20. (SEE NOTE.)
  - c. State Highway 113 between its junction with Interstate Highway 30 near Davis and Marysville via State Highway 113, U.S. Highway 99, and State Highway 20.
  - d. U.S. Highway 99E between Sacramento and Marysville, including the off-route point of Beale Air Force Base.
  - e. U.S. Highway 50 between San Francisco and Stockton, inclusive. (SEE NOTE.)
  - f. State Highway 120 between its junction with U.S. Highway 50 and Manteca, inclusive.
  - g. U.S. Highway 99 between Sacramento and Fresno, inclusive.
  - h. State Highway 33 between its junction with U.S. Highway 50 near Tracy and Mendota, inclusive.
  - i. State Highway 132 between Vernalis and Modesto, inclusive.
  - j. Stanislaus County Road J16 between Westley and Keyes, inclusive, via Grayson.
  - k. Stanislaus County Road J17 between Patterson and Turlock, inclusive, via Hatch.

Issued by California Public Utilities Commission.

Decision No. 79331, Application No. 52892.



- l. State Highway 140 between Gustine and Merced, inclusive.
- m. State Highway 152 between Los Banos and Califa, inclusive.
- n. State Highway 180 between Mendota and Fresno, inclusive.

Through routes and rates may be established between any and all points described in subparagraphs a through n, above.

2. Between Oakland, Emeryville, Berkeley, Alameda, San Leandro, Albany, El Cerrito, San Pablo, Richmond, South San Francisco, San Bruno and Millbrae, on the one hand, and all points referred to in subparagraphs la through n above, on the other hand. (SEE NOTE.)

NOTE: No local service shall be rendered between points within San Francisco-East Bay Cartage Zone as described in Appendix B attached hereto.

De Boer Truck Lines, Inc., a corporation, shall not transport any shipments of:

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 No. 4-B.
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. 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.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

Issued by California Public Utilities Commission.

Decision No. 79331, Application No. 52892.

5. 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.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Commodities which by reason of their abnormal size, weight or bulk require special equipment and handling.
10. Articles of extraordinary value as set forth in Item 730 of National Motor Freight Classification A-12, William Herbold, Issuing Officer, on the issue date hereof.
11. Commodities likely to contaminate or damage other freight.
12. Explosives as described in and subject to the regulations of Motor Carriers' Explosives and Dangerous Articles Tariff 14, William Herbold, Issuing Officer, and any reissues thereof.
13. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 79331, Application No. 52392.

The San Francisco-East Bay Cartage Zone includes the area 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 So. 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 southeasterly 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 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 168th 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

Issued by California Public Utilities Commission.

Decision No. 79331, Application No. 52392.

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.

(END OF APPENDIX B)

Issued by the California Public Utilities Commission.

Decision No. 79331, Application No. 52892