

ORIGINAL

Decision No. S0042

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Melvin Santry, Sr., and Melvin Santry,  
Jr., copartners, doing business as  
SANTRY FARMS, to sell and transfer a  
certificate of Public Convenience  
and Necessity authorizing the trans-  
portation of Cement to Melvin Santry,  
Jr., and Ronald M. Santry, copartners,  
doing business as SANTRY FARMS.

Application No. 53232  
(Filed March 27, 1972)

O P I N I O N

Melvin Santry, Sr., and Melvin Santry, Jr., request author-  
ity to sell and transfer and Melvin Santry, Jr., and Ronald M. Santry,  
doing business as Santry Farms, request authority to purchase and  
acquire a certificate of public convenience and necessity authorizing  
operations as a cement carrier.

The certificate is prescriptive in nature and as set forth  
in Resolution No. 13825, dated June 23, 1964, in File No. T-42,371,  
authorizes the transportation of cement from any and all points within  
the state to any and all points within the County of Tulare. The  
agreed cash consideration is \$10. As of December 31, 1971, applicant  
buyers indicated a net worth in the amount of \$59,388.

After consideration the Commission finds that the proposed  
transfer would not be adverse to the public interest and concludes  
that it should be authorized. A public hearing is not necessary. The  
order which follows will provide for, in the event the transfer is  
consummated, the revocation of the certificate presently held by  
Melvin Santry, Sr., and Melvin Santry, Jr., and the issuance of a  
certificate in appendix form to Melvin Santry, Jr., and Ronald M.  
Santry.

Melvin Santry, Jr., and Ronald M. Santry 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, 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 December 1, 1972, Melvin Santry, Sr., and Melvin Santry, Jr., may sell and transfer, and Melvin Santry, Jr., and Ronald M. Santry may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchasers 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. Purchasers 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-Series. Failure to comply with and observe the provisions of General Order No. 117-Series 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, purchasers 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 the sellers 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 Melvin Santry, Jr., and Ronald M. Santry, authorizing them to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, between the points 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 Resolution No. 13825, dated June 23, 1964, in File No. T-42,371, 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 transfer herein authorized is consummated, purchasers shall file a written acceptance of the certificate herein granted. Purchasers are placed on notice that, if they accept the certificate 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-Series.

8. Purchasers 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.

9. Purchasers shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchasers elect not to transport collect on delivery shipments, they 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 9<sup>th</sup> day  
of MAY, 1972.

[Signature]  
Chairman  
[Signature]  
[Signature]  
Vernon L. Steegen  
[Signature]  
Commissioners

Melvin Santry, Jr. and Ronald M. Santry, co-partners doing business as, SANTRY FARMS, by the certificate of public convenience and necessity granted by the decision noted in the margin, are 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 in the County of Tulare, subject to the restriction shown below:

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. 80042, Application No. 53232.