

Decision No. 80279

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of CARR TRUCKING, INC., a  
corporation, for authority to  
issue shares of its common capital  
stock pursuant to Section 816-830  
of the California Public Utilities  
Code, and to acquire certain  
Certificate of Public Convenience  
and Necessity, and JAMES H. CARR  
and PATRICIA I. CARR, Executrix  
of the Estate of CHARLES A. CARR,  
doing business as CARR BROS.  
OXNARD TRUCKING SERVICE, to  
transfer pursuant to Section  
851-853 of the California Public  
Utilities Code.

Application No. 53408  
(Filed June 16, 1972)

O P I N I O N

James H. Carr and Patricia I. Carr, Executrix of the Estate of Charles A. Carr, doing business as Carr Bros. Oxnard Trucking Service, seek authority to transfer their highway common carrier certificate of public convenience and necessity and related assets to Carr Trucking, Inc., and the latter seeks authority to issue 200 shares of its no par value common capital stock.

James H. Carr and Patricia I. Carr, Executrix of the Estate of Charles A. Carr, operate as a highway common carrier of general commodities in portions of southern California pursuant to the certificate of public convenience and necessity granted by Decision No. 61613, dated March 7, 1961, as subsequently amended, in Application No. 42865. Operations are also conducted under permits issued by this Commission.

Carr Trucking, Inc. is a California corporation incorporated on or about April 3, 1972. It proposes to issue 200 shares of its no par value common capital stock at an aggregate stated value of \$20,000 in exchange for assets and the assumption of liabilities of the carrier. Its pro forma balance sheet at April 1, 1972 is summarized from Exhibit C, attached to the application, as follows:

Assets

Current assets	\$ 97,590
Net property and equipment	179,280
Other assets	<u>20,504</u>
Total	<u>\$297,374</u>

Liabilities

Current liabilities	\$252,988
Long-term liabilities	20,504
Capital stock	20,000
Other liabilities	<u>3,882</u>
Total	<u>\$297,374</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 operating 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 James H. Carr and Patricia I. Carr, Executrix of the Estate of Charles A. Carr, and the issuance of a certificate in appendix form to Carr Trucking, Inc.

Carr Trucking, 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 December 31, 1972, James H. Carr and Patricia I. Carr, Executrix of the Estate of Charles A. Carr, may

sell and transfer, and Carr Trucking, Inc. may purchase and acquire, the highway common carrier certificate of public convenience and necessity and related assets referred to in the application. The transfer may be made effective as of April 1, 1972 for accounting purposes.

2. Carr Trucking, Inc. may assume the liabilities referred to in the application and, on or after the effective date hereof and on or before December 31, 1972, for the purpose specified in the foregoing opinion, may issue not exceeding 200 shares of its no par value common capital stock to James H. Carr at a stated value of \$100 per share.

3. Carr Trucking, 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, Carr Trucking, 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. Carr Trucking, 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. 30-Series. Failure to comply with and observe the provisions of General Order No. 30-Series 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 Carr Trucking, 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 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 by Decision No. 61613, as amended, which certificate is revoked effective concurrently with the effective date of the tariff filings required by Paragraph No. 5 hereof.

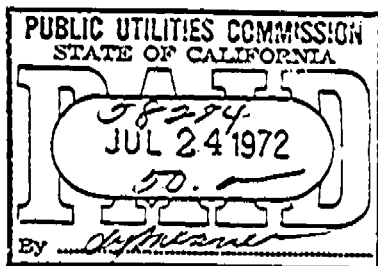
8. Within thirty days after the transfer herein authorized is consummated, Carr Trucking, Inc. shall file a written acceptance of the certificate herein granted. Carr Trucking, Inc. is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be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

9. Carr Trucking, 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. Carr Trucking, Inc. shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If Carr Trucking, 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 Carr Trucking, Inc. has paid the minimum fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50.

Dated at Los Angeles, California, this 18th day of JULY, 1972.



Vernon L. Sturgeon  
President  
William J. ...  
...  
...  
...  
Commissioners

Carr Trucking, 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 in Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

1. BETWEEN all points and places on and within five miles of the following highways:
  - a. U.S. Highway 101 between the northwestern boundary line of Los Angeles County and San Luis Obispo, inclusive, including the off-route point of Ojai;
  - b. State Highway 1 between the northwestern boundary line of Los Angeles County and junction with U.S. Highway 101 north of Oxnard;
  - c. State Highway 118 between the northwestern boundary line of Los Angeles County near Chatsworth and Ventura, inclusive;
  - d. State Highway 126 between Ventura and Fillmore, inclusive; and
  - e. State Highway 1 between Las Cruces and Pismo Beach, inclusive; including the off-route point of Vandenberg Air Force Base.
2. Through routes and rates may be established between all points and places specified in paragraph (1) above.
3. Between all points and places included in paragraph (1), on the one hand, and Los Angeles County Area as described below, on the other hand.

Applicant 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 5 of Minimum Rate Tariff 4-B.

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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.
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. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

## LOS ANGELES COUNTY AREA

Los Angeles County Area includes that area embraced by the following boundary: Beginning at the intersection of the westerly boundary of Los Angeles County with the Pacific Ocean; thence northwesterly along the boundary of Los Angeles County to its intersection with State Highway 118; thence easterly along State Highway 118 through San Fernando and its prolongation to the Angeles National Forest; thence along the southern boundary of Angeles National Forest to the eastern boundary of Los Angeles County; thence along the eastern boundary of Los Angeles County in a southwesterly direction to the Pacific Ocean; thence along the Pacific Ocean in a westerly direction to point of beginning.

(END OF APPENDIX A)

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