

ORIGINAL

Decision No. 81168

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Cal-State Transport Co. Inc., a)
Corporation, to purchase; and)
Metropolitan Warehouse Company, a)
California Corporation to sell; a)
certificate of Public Convenience)
and Necessity for the transport of)
commodities between points in the)
Los Angeles Territory, pursuant to)
Sections 851-854 of the California)
Public Utilities Code.)

Application No. 53612
(Filed September 28, 1972)

O P I N I O N

The application of Cal-State Transport Co., Inc. (buyer) and Metropolitan Warehouse Company (seller) requests authority to sell and transfer a highway common carrier certificate of public convenience and necessity issued by this Commission.

Buyer is engaged in intrastate commerce within the State of California pursuant to radial highway common carrier and highway contract carrier permits. Seller has conducted operations as a highway common carrier between points and places in the Los Angeles Territory.

There are no protests to the application.

By the purchase agreement buyer will purchase seller's certificate of public convenience and necessity. No other asset is involved in this sale. The purchase price for the certificate is the sum of \$9,000. A balance sheet of the seller for the year ending December 31, 1971 shows a net income of \$47,256 and a balance sheet dated June 30, 1972 for the buyer shows total liabilities and capital of \$92,099.78.

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 Metropolitan Warehouse Company and the issuance of a certificate in appendix form to Cal-State Transport Co., Inc.

Cal-State Transport Co., 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 August 30, 1973, Metropolitan Warehouse Company may sell and transfer, and Cal-State Transport Co., Inc. 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. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the 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-

Series. Failure to comply with and observe the provisions of General Order No. 80-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, purchaser 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 seller 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 Cal-State Transport Co., Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 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 Decision No. 53626, as amended by Decision No. 54585, 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, purchaser shall file a written acceptance of the certificate herein granted. Purchaser 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.

8. Purchaser 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.

9. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it 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.

San Francisco
Dated at _____, California, this 20th
day of MARCH, 1973.

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

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Cal-State Transport Co., Inc., 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 the following named commodities:

1. Ammunition, viz.: Cartridges, small arms;
2. Candy or Confectionery, viz.: Cake decorations: candy; candy filler; candy fondant; candy glaze or finish; chocolate; chocolate coating; coating candy; confectionery; confectionery paste or powder; cough candy drops or tablets; ginger: gum chewing; ice cream coating; icing paste; icing powder; licorice compound; peanut coating; popped corn confectionery; puffed rice confectionery;
3. Canned Goods and Other Articles, viz.: Beans and pork; breads; brine; broths: butter fruit; butter, peanut (peanut paste); buttermilk (not casein), not powder or flaked; chili, ground; chowders; coconut, prepared; corn; egg yolk; feed, animal; fish, not fresh; fish roe; food, baby; fruit crushed; fruit, in liquid; garlic chips; garlic powder; hominy; honey; jams; jelly; juice clam, fruit unfermented, tomato and vegetable; macaroni, prepared; meats, not fresh; milk, condensed, evaporated, or sterilized, liquid, milk (not malted); buttermilk (not casein) or dry milk solids; mince meat; molasses: oil, olive or salad; olives; onion chips or powder; paste, tomato; pectin, fruit or vegetable: pickles: pie preparations; pimentos; pudding, pulp, fruit or vegetable; puree, tomato; ravioli, prepared: rice and milk, cooked; sandwich spread: sausage casings; soups; spaghetti, prepared: spaghetti and cheese: syrups; table sauces, including catsup, horseradish, mustard, pepper, salad dressing: vegetables, not dehydrated, dried, evaporated, nor fresh; vermicelli, prepared; vinegar and Welsh rarebits;
4. Cereal Food Preparations, viz: Bran; bran and wheat: cereal; cereal, cooked; cereal, corn; cereal, flaked or shredded; cereal, flaked wheat and ground flaxseed combined; cereal, granulated; cereal, hollow forms; cereal, oats; cereal, popped or puffed; cereal rice:

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5. Drugs, Medicines, or Toilet Preparations, viz: Bath, bubble salts, crystal water softening compounds; bay rum; beans, nux vomica; betel nuts; carrageen; charcoal; cigarettes, cubeb or medicinal citrate of magnesia solution; condiments animal or poultry; corn silk; choline chloride animal or poultry feed supplements; dental plate adhesive powder; drugs ergot of rye; fluid, amniotic or foetal; gall, animal; hog bile; Karaya gum solution; lard, benzoinated; lupulin; malt tonics; meal, fenugreek seed; medicines; moss, iceland; nitro glycerin spirits of; nuts, areca; perfumery; permanent hair waving sets; powder, sachet or toilet; roots, gentian, ginseng, golden seal, laurel, sassafras; rose water; rubbing alcohol; sea grass; sea moss; seaweed; NOIBN*; shampoo; shaving cream; solution: intravenous saline; toilet preparations; water, mineral; witch hazel extract; wormseed;
6. Games or Toys, viz.: Books; calendar pictures; charts; magazines or periodicals; maps or chart blanks; maps; newspaper; newspaper supplement; printed matter, paper or paperboard; tablet tops or composition or notebook; telephone directories;
7. Insecticides or Fungicides, Agricultural, viz.: Calcium arsenate; copper sulphate and lime; copper sulphate, and lime, with or without calcium-arsenate; copper sulphate and sulphur; fungicides; insecticides; lead arsenate; lime; lime and sulphur; London purple; Paris green; Paris green and sulphur; polychlor agricultural insecticides or fungicides; soda ash and sulphur; sulphur; zinc sulphate and lead arsenate;
8. Fertilizers, viz.: Ammonia, sulphate of; ammonium, sulphate nitrate (leunasalt peter); ashes, incenerator; ashes, wood; beet sugar refinery waste; blood, dried; bone black; calcium carbonate ammonium nitrate (calnitro); calcium nitrate urea (calurea); chili saltpetre; cyanamid; fertilizer compounds, NOIBN*; fertilizer compounds, liquid, NOIBN*; gypsum; lime,

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(calcium, nitrate; lime refuse; manure, animal; manure, domestic fowl; meal, refuse raisin seed; mold, leaf; phosphate of ammonia; pomace, grape; pomace, olive; potash, muriate of; potash, sulphate of; pulp, olive; rock, phosphate; scourings, sheep wool; screenings, sheep wool; sea shells, crushed; soda-potash, nitrate of; super-phosphates; tankage, garbage, dry; tankage, packing-house, dry; urea;

9. Miscellaneous Commodities, viz.: Bags, paper; bicycles; broilers, electric; cabinets, metallic or wooden; carpets, carpeting, mats, matting or rugs; cigarettes; cloth, made of wool, woven, in the original piece; cloth, rayon, woven in the original piece; compounds, cleaning, scouring or washing; cookies; cotton piece goods; dessert preparations; foam rubber; food seasoning compounds; gelatine; iron or steel cleaning compounds; lawn mowers; lubricating oil; matches; paper plates; refrigerators; resin; shoe polish; soap; starch; steel wool and soap combined; stoves or ranges; strapping, iron or steel; tea.

⁴Western Classification No. 75, Cal.P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto.

Between all points within the Los Angeles Territory, as described herein.

LOS ANGELES TERRITORY

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hill-

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crest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

(END OF APPENDIX A)

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