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Decision No. 81500

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ENID HARDESTY, now known as)
ENID FORTIER, an individual, doing)
business as HARDESTY TRANSPORTATION,)
to transfer, and LIVINGSTON-GRAHAM,)
INC., a corporation, to acquire a)
Cement Carrier Certificate and)
Property.)

Application No. 52713

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 79740, dated February 23, 1972, in the above proceeding, Livingston-Graham, Inc., acquired operating rights as a cement carrier.

The Commission has been informed that Livingston-Graham, Inc., is a wholly owned subsidiary of Brown Company, a Delaware corporation.

Brown Company has submitted a copy of a resolution adopted by its Board of Directors, merging Livingston-Graham, Inc., into itself and a certificate of qualification for it to do business in California.

Brown Company requests that the records of the Commission be changed to reflect the merger and states that it will do business under the fictitious name of Livingston-Graham.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and should be granted. Brown Company will be ordered to amend its tariffs pursuant to General Order No. 117. Because of the alter-ego conditioning attached to the certificate, a revised appendix will be issued as provided in the order which follows. A public hearing is not necessary.

IT IS ORDERED that Livingston-Graham, Inc., a corporation, may transfer and Brown Company, a corporation, may acquire the operative rights granted by Decision No. 79740, dated February 23, 1972, in Application No. 52713.

IT IS FURTHER ORDERED that:

1. Decision No. 79740, supra, is amended by substituting "Brown Company, doing business as Livingston-Graham" in place and stead of Livingston-Graham, Inc."

2. Appendix A of Decision No. 79740, is further amended by substituting First Revised Page 1, attached hereto, in place and stead of Original Page 1.

3. Within one hundred and twenty days after the effective date hereof, and on not less than 10 days' notice to the Commission and to the public, Brown Company, a corporation, doing business as Livingston-Graham, shall amend its tariffs on file with this Commission as required by Rule No. 6.1 of General Order No. 117.

4. In all other respects the provisions of Decision No. 79740 remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of June, 1973.

Veron L. Stinson
President
William J. Stinson, Jr.

[Signature]
[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A
Dec. 79740

BROWN COMPANY
(a corporation)
doing business as
LIVINGSTON-GRAHAM

First Revised Page 1
Cancels
Original Page 1

Brown Company, doing business as Livingston-Graham, 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 all points and places within the following Counties: Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura, subject to the following restrictions:

RESTRICTIONS:

1. Whenever Brown Company, doing business as Livingston-Graham, engages other carriers for the transportation of property of Brown Company and/or Tri-City Concrete and/or Gulf and Western Industries, Inc., or customers or suppliers of said corporations, Brown Company, doing business as Livingston-Graham, shall not pay such other carriers rates and charges less than the rates and charges published in the tariffs filed with this Commission by Brown Company, doing business as Livingston-Graham.

2. 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.

Amended by Decision No. 81500, Application No. 52713.

END

W.B