

SR

Decision No. 81606

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
ASSOCIATED FREIGHT LINES, a)	
corporation, for an in lieu)	
certificate of public convenience)	Application No. 52494
and necessity to operate as a)	
highway motor carrier.)	

SECOND SUPPLEMENTAL OPINION AND ORDER

Joe Saia, an individual, is by the authority granted to him by this Commission authorized to conduct operations within this State as a highway common carrier of general commodities.

Saia presently holds two certificates of public convenience and necessity, the first of which was issued by Decision No. 44091, dated April 25, 1950, and amended by Decision No. 44240, dated May 26, 1950, both in Application No. 30473. The second certificate was granted by Decision No. 57477, dated October 15, 1958, in Application No. 40227, and is complementary in scope to the first. Both certificates were amended to exclude the transportation of trailer coaches by Decision No. 74082, dated May 7, 1968, as amended by Decision No. 74541, dated August 13, 1968, in Application No. 48547.

The aforementioned authorities were registered with the Interstate Commerce Commission and authorization for coextensive operations in interstate and foreign commerce are currently evidenced by a Certificate of Registration issued in Proceeding No. MC-92273 (Sub. No. 3), dated April 14, 1964.

Associated Freight Lines (Associated), pursuant to certificates of public convenience and necessity granted by this Commission is authorized to conduct operations as a highway common carrier of general commodities and petroleum products in bulk, and as a petroleum irregular route carrier. The general commodity

A. 52494 - SR *

authority was issued to it by Decision No. 78749, dated June 2, 1971, as amended by Decision No. 78878, dated June 29, 1971, in Application No. 52494. By Decision No. 80404, dated August 29, 1972, in Application No. 50526, Associated acquired the authority to transport petroleum and petroleum products from Las Vegas Tank Lines, Inc.

Associated also operates as a highway common carrier pursuant to certificates of public convenience and necessity granted by the Interstate Commerce Commission in Proceedings No. MC-57254 (Sub. Nos. 1, 11 and 14), for the transportation of general commodities generally between Los Angeles, California and Las Vegas, Nevada.

In Proceeding No. MC-F-11329, and by order issued in that proceeding, dated February 21, 1973, the Interstate Commerce Commission by the authority vested in it under Section 5 of the Interstate Commerce Act authorized the transfer of the operating rights, as previously enumerated, of Joe Saia to Associated Freight Lines.

In exercising its exclusive and plenary jurisdiction, the Interstate Commerce Commission required that Associated file with it a copy of this Commission's order approving the transfer and if restated, a copy of the certificate as reissued to it.

A copy of the Interstate Commerce Commission's order has been filed together with a letter from Associated's attorney requesting that Joe Saia's intrastate operating rights be transferred to Associated.

This Commission takes notice of a finding in the order of the Interstate Commerce Commission that the transfer as ordered will not significantly affect the quality of the human environment.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

Because of the urgency of this matter, the authority to be transferred will not be restated.

Associated Freight Lines is 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, such 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 November 1, 1973, Joe Saia, an individual, may sell and transfer the operative rights referred to in the opinion portion of this decision to Associated Freight Lines, a corporation.
2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the rates and rules. The tariff filings shall be made effective not earlier than two days after the effective date of this order on not less than two days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfer. 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 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 transfer the 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. Purchaser shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

6. 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.

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

A. 52494 - SR

The effective date of this order is the date hereof.
Dated at San Francisco, California, this 31st day of
July, 1973.


President


Commissioners

Commissioner Vernon L. Sturgeon, being
necessarily absent, did not participate
in the disposition of this proceeding.

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