

ORIGINAL

Decision No. 81781

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Acquisition by )

COMMERCIAL CARRIERS, INC. }

of the capital stock of Hughes  
Truck-A-Way, Inc. and the merging  
of the Hughes operating authority  
and other assets into Commercial  
Carriers, Inc.

Application No. 54022  
(Filed May 9, 1973;  
amended June 22, 1973)

O P I N I O N

This is an application by Commercial Carriers, Inc. (CCI) which seeks to have the Commission's records reflect the change of name and ownership of Hughes Truck-A-Way, Inc. (Hughes), which was acquired by and merged into CCI.

The Commission makes the following findings and conclusion in this proceeding.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. CCI is a Michigan corporation qualified to do business in the State of California. CCI is a wholly owned subsidiary of American Commercial Lines, Inc., which, in turn, is a wholly owned subsidiary of Texas Gas Transmission Corporation.
3. Hughes is a California corporation.
4. Hughes holds highway common carrier operating authority granted by this Commission in Decision No. 45990 in Application No. 30800 as transferred by Decision No. 55746 in Application No. 38922.
5. Hughes also holds a certificate of registration from the Interstate Commerce Commission which is coextensive with its California rights.

6. By agreements entered into in 1972, CCI agreed, subject to regulatory approval, to purchase all of the outstanding stock of Hughes. The transaction was within the purview of Section 5 of the Interstate Commerce Act, and the Interstate Commerce Commission had exclusive and plenary jurisdiction in connection therewith.

7. On February 15, 1973 the Interstate Commerce Commission served its report and recommended order approving the transaction, subject to the submittal of a plan of merger. (MC-F-11498.) The plan of merger was approved and on March 29, 1973 the Interstate Commerce Commission served its final order dated March 19, 1973.

8. The Commission's records should be changed to reflect the change in ownership and name of Hughes as a result of the acquisition by and merger with CCI, as hereinafter provided.

9. To assist the Commission in the performance of its regulatory functions and avoid confusion among the shipping public, the changes authorized herein should be restated in an in-lieu certificate of public convenience and necessity.

Conclusion of Law

An in-lieu certificate of public convenience and necessity should be granted to CCI to reflect the acquisition and merger of the Hughes' operating authority as authorized by the Interstate Commerce Commission in MC-F-11498.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Commercial Carriers, 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 and over the routes set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred and twenty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicant shall amend the tariffs on file with this Commission as required by Rule No. 6.1 of General Order No. 80-A, to show that it has adopted and established as its own the rates and rules therein.
- (c) On or before the end of the third month after the merger Commercial Carriers, Inc. 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 Hughes Truck-A-Way, Inc., for the period commencing with the first day of the current year to and including the effective date of the merger.
- (d) Applicant 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.
- (e) Applicant 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by this Commission in Decision No. 45990 and transferred by Decision No. 55746, which is

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revoked effective concurrently upon the effective date of the tariff filings required by paragraph 2(b).

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 21st  
day of AUGUST, 1973.

Vernon L. Steigman  
President  
William J. Holmes  
D. W. Holmes  
[Signature]  
Commissioners

Commissioner D. W. Holmes, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

Commercial Carriers, 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 specified commodities:

Vehicles, Motor, viz:

Chassis;

Freight, including tractors (driving tractors for vehicles), and dump trucks;

Passenger, including ambulances, hearses and buses;

Motorcycles and motorcycle sidecars.

Vehicles, other than motor, but for use with motor vehicles, viz:

Freight carts, trucks, trailers or wagons;

Trailer cars, carts or coaches, passenger, house or sleeper.

Cabs or bodies for vehicles above described.

Mobile searchlights.

Mobile Generators.

Parts, spare parts, or extra parts of the above described vehicles when accompanying the shipment of the vehicle to which it belongs or for which it is intended.

Auto show vehicle exhibits with exhibit equipment and accompanying advertising matter.

Between all points and places located on the following routes, serving all intermediate points and all off-route points located within 50 miles laterally of the authorized highways:

1. U.S. Highway 101 between the California-Oregon state line and the City of Los Angeles, thence via Interstate Highway 5 to the California-Mexican border.

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2. State Highway 82 between San Francisco and San Jose.
3. Interstate Highway 5 between the California-Oregon state line and Sacramento.
4. Interstate Highway 80 between Sacramento and its junction with State Highway 65, thence via State Highway 65 to Marysville, and from Marysville-Yuba City via State Highway 99 to Red Bluff.
5. State Highway 99 between Sacramento and its junction with Interstate Highway 5, near Wheeler Ridge, thence via Interstate Highway 5 to the City of Los Angeles, and from the City of Los Angeles via Interstate Highway 10 to Indio, thence via State Highway 86 to the California-Mexican border.
6. U.S. Highway 97 between the California-Oregon state line and Weed.
7. U.S. Highway 395 between the California-Oregon state line and the California-Nevada state line near Peavine, and between the California-Nevada state line, near Topaz Lake, and its intersection with Interstate Highway 15, thence via Interstate Highway 15 (U.S. Highway 395) to San Diego.
8. State Highway 89 between its junctions with Interstate Highway 5, near Mt. Shasta City, and State Highway 88, near Sorensens.
9. State Highway 49 between Sattley and Mariposa.
10. State Highway 127 between the California-Nevada state line and Baker.
11. State Highway 299, between its junction with U.S. Highway 101, near Arcata, and Alturas.
12. Interstate Highway 80, between San Francisco and the California-Nevada state line.

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13. State Highway 190, between its junctions with U.S. Highway 395, near Lone Pine, and State Highway 127 (Death Valley Junction).
14. State Highway 41, between its junction with State Highway 1, near Morro Bay, and the junction with State Highway 46, thence State Highway 46 to the junction with State Highway 99 and State Highway 99 to Bakersfield, thence via State Highway 58 to Barstow and from Barstow via Interstate Highway 15 to the California-Nevada state line.
15. State Highway 2 between Santa Monica and its junction with U.S. Highway 101 and via U.S. Highway 101 to State Highway 11, thence via State Highway 11 to the junction with U.S. Highway 66 at Pasadena, thence via U.S. Highway 66, Interstate Highway 210, State Highway 30, U.S. Highway 66 to San Bernardino and from San Bernardino via Interstate Highway 15 (U.S. Highway 40) to Barstow and from Barstow via Interstate Highway 40 (U.S. Highway 66) to the California-Nevada state line.
16. State Highway 60 between the City of Los Angeles and Beaumont, thence via Interstate Highway 10 to the California-Nevada state line.
17. Interstate Highway 8 between San Diego and the California-Nevada state line.

(END OF APPENDIX A)

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