

ORIGINAL

Decision No. 81985

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
C & M Transportation, Inc., a
California corporation, to transfer
petroleum irregular route carrier
authority,
and
Cool Fuel, Inc., a California corpo-
ration to acquire said operating
rights.

Application No. 54179
(Filed July 17, 1973;
amended August 27, 1973)

O P I N I O N

C & M Transportation, Inc. (C & M), a California corporation, requests authority to sell and transfer; and Cool Fuel, Incorporated (Cool Fuel), a California corporation, requests authority to purchase a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier.

The certificate was granted by Decision No. 44454 dated June 27, 1950 in Application No. 31130, and transferred to C & M by Decision No. 51187 dated March 8, 1955 in Application No. 36642. The total purchase price of the certificate is \$3,600. As of April 30, 1973 purchaser indicated a net worth of \$68,977.33.

Applicants forwarded a copy of the original application to the California Trucking Association at 1240 Bayshore Highway, Burlingame, California, on July 24, 1973. Notice of the application was published in the Commission's Daily Calendar on July 20, 1973. No protests have been filed.

The Commission finds that the proposed transfer and sale would not be adverse to the public interest. A public hearing is not necessary.

Cool Fuel, Incorporated 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.

The application should be granted as provided by the order below.

O R D E R

IT IS ORDERED that:

1. On or before January 31, 1974, C & M Transportation, Inc., a California corporation, may sell and transfer the operative rights referred to in the application to Cool Fuel, Incorporated, a California corporation.
2. Within thirty days after the transfer, the purchaser shall file with the Commission written acceptance of the certificate.
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' 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 Commission's General Order No. 80-Series. Failure to comply with 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 Ordering Paragraph 1 is consummated, a certificate of public convenience and necessity is granted to Cool Fuel, Incorporated, authorizing it to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products, as set forth in Appendix A, attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted by Decision No. 44454, and transferred by Decision No. 51187, is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchaser shall comply with and observe the safety rules of the California Highway Patrol and 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.

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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 purchaser 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.

Dated at San Francisco, California,
this 10th day of OCTOBER, 1973.

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

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

Cool Fuel, Incorporated, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California:

Restrictions: Whenever Cool Fuel, Incorporated engages other carriers for the transportation of property of Cool Fuel, Incorporated, or customers or suppliers of said corporation, Cool Fuel, Incorporated shall not pay such other carriers rates and charges less than the rates and charges published in Cool Fuel, Incorporated's tariffs on file with this Commission.

Transportation of Waste materials under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste from the State Water Resources Control Board.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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