

ORIGINAL

Decision No. 82086

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LANG TRANSPORTATION CORPORATION, a
California corporation, to sell and
transfer a certificate of public
convenience and necessity author-
izing the transportation of cement
to COMMERCIAL TRANSFER, INC., a
California corporation.

Application No. 54307
(Filed September 7, 1973)

O P I N I O N

Lang Transportation Corporation (seller) requests authority to sell and transfer the portion of its cement carrier certificate, which authorizes the transportation of cement from any and all points of origin in California to all points and places within the counties of Alameda, Butte, Colusa, Contra Costa, El Dorado, Marin, Mendocino, Napa, San Francisco, San Mateo, Santa Cruz, Shasta, Solano, Sonoma, and Tehama. The certificate was granted to seller by Decision No. 76153 dated September 10, 1969 in Application No. 51262 and includes 19 counties in addition to those sought to be transferred. Commercial Transfer, Inc. operates pursuant to a cement carrier certificate granted by Decision No. 79832 dated March 21, 1972 in Application No. 53070 which includes 13 counties and also pursuant to radial highway common carrier, dump truck carrier, and petroleum contract carrier permits. The agreed purchase price is \$6,900, half of which has been paid as a deposit, and the balance of which will be paid within 30 days after the sought authority has been granted. If the application is denied, the deposit will be returned.

The application states that seller has continually conducted cement carrier operations to and within all counties it is authorized to serve; that the proposed sale would be in the best interests of both buyer and seller; that buyer has the financial ability, experience, and equipment necessary to conduct operations to and within the counties

in issue and to provide expanded facilities if necessary; and that the proposed sale would be in the public interest.

Buyer's balance sheet as of June 30, 1973 shows total assets of \$693,459 and total liabilities of \$507,815. Its income statement for the six months ended June 30, 1973 discloses net income of \$25,908. Its equipment is listed in Exhibit D to the application.

Copies of the application were served on the California Trucking Association and numerous cement carriers. It was listed on the Commission's Daily Calendar. There are no protests. A public hearing is not necessary.

The Commission finds that:

1. The proposed transfer would not be adverse to the public interest.
2. It is reasonably certain that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted as set forth in the ensuing order.

The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificates presently held by buyer and seller and the issuance of new certificates in appendix form to each.

Applicants are 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 April 30, 1974, Lang Transportation Corporation may sell and transfer the operative rights referred to in the application to Commercial Transfer, Inc.
2. Within thirty days after the transfer applicants shall file with the Commission written acceptances of the certificates and the purchaser shall file with the Commission a true copy of the bill of sale or other instrument of transfer.
3. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the authority granted by this decision to show that they have adopted or established, as their own, the 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 transfer. The tariff filings shall comply with the Commission's General Order No. 117-Series. Failure to comply with the provisions of the General Order No. 117-Series may result in cancellation of the operating authority granted by this decision.
4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, certificates of public convenience and necessity are granted to Commercial Transfer, Inc. and Lang Transportation Corporation, authorizing them to operate as cement carriers, as defined in Section 214.1 of the Public Utilities Code, between the points set forth in Appendices A and B, respectively, attached hereto and made a part hereof.
5. The certificates of public convenience and necessity granted by Decisions Nos. 79832 and 76153 are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Applicants are placed on notice that if they accept the certificates they 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.

7. Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

8. Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants elect not to transport collect on delivery shipments, they 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 7th day of NOVEMBER, 1973.

William L. Thompson
President
William L. Thompson
William L. Thompson
William L. Thompson
Commissioners

Commercial Transfer, Inc., 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 Counties of:

Alameda	Marin	San Mateo
Butte	Mendocino	Santa Clara
Colusa	Merced	Santa Cruz
Contra Costa	Monterey	Shasta
El Dorado	Napa	Solano
Fresno	Sacramento	Sonoma
Kern	San Benito	Stanislaus
Kings	San Francisco	Tehama
Madera	San Joaquin	Tulare and
		Yolo

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.

Decision No. 82086, Application No. 54307.

Lang Transportation Corporation, 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 Counties of:

Fresno
Imperial
Inyo
Kern
Kings
Los Angeles

Merced
Monterey
Orange
Riverside
Sacramento
San Bernardino

San Diego
San Joaquin
San Luis Obispo
Santa Barbara
Santa Clara
Ventura and
Yolo

This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

End of Appendix B