

ORIGINAL

Decision No. 82497

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CHARLES A. CUMPTON to transfer his
Certificate of Public Convenience
and Necessity as a Cement Carrier
Authorizing Transportation to and
within the counties of Tehama, Butte,
Glenn, Trinity and Shasta, together
with the Business Assets and Equip-
ment pertaining thereto, to CUMPTON
TRUCKING, INC.

Application No. 54494
(Filed December 10, 1973)

O P I N I O N

Charles A. Cumpton, an individual doing business as Cumpton Trucking, requests authority to transfer a certificate of public convenience and necessity authorizing operations as a cement carrier to Cumpton Trucking, Inc., a California corporation, of which Charles A. Cumpton is president.

The certificate is prescriptive in nature and was set forth in Commission Resolution No. 13821, Sub. No. 82, dated June 23, 1964 in Application No. 46428. It authorizes the transportation of cement to, from, and between points within the counties of Butte, Glenn, Shasta, Tehama, and Trinity. The transfer is to be without consideration. As of June 30, 1973 the corporation indicated a net worth in the amount of \$208,835.

It is alleged that Charles A. Cumpton and his wife are over 65 years of age and desire to make the transfer to the corporation so that they may distribute their holdings to members of their family in an orderly manner and to facilitate a leisurely pace toward retirement.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Charles A. Cumpton and the issuance of a certificate in appendix form to Cumpton Trucking, Inc.

Cumpton Trucking, Inc. 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 December 1, 1974, Charles A. Cumpton may transfer the operative rights and property referred to in the application to Cumpton Trucking, Inc.
2. Within thirty days after the transfer the transferee shall file with the Commission written acceptance of the certificate and a true copy of the instrument of transfer.
3. Transferee 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 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 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. 117-Series. Failure to comply with the provisions of General Order No. 117-Series may result in a 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, a certificate of public convenience and necessity is granted to Cumpton Trucking, Inc., authorizing it to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Commission Resolution No. 13821, Sub. No. 82, in Application No. 46428 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Cumpton Trucking, Inc. shall comply with the safety rules of the California Highway Patrol, and insurance requirements of the Commission's General Order No. 100-Series.

7. Transferee 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.

8. Cumpton Trucking, Inc. shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If transferee 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 20th day of FEBRUARY, 1974.

Vernon L. Stinson
President
William J. Lewis
[Signature]
[Signature]
[Signature]
Commissioners

Cumpton Trucking, 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 any and all points in the Counties of:

Butte, Glenn, Shasta, Tehama and Trinity.

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.

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