

Decision No. 82601**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 LANG TRANSPORTATION CORPORATION, )  
 a corporation, to transfer its )  
 Petroleum Regular Route Certificate )  
 of Public Convenience and Necessity, )  
 and USA TANK LINES, a corporation, )  
 to acquire said Certificate. )

Application No. 54443  
 (Filed November 8, 1973;  
 amended February 7, 1974)

O P I N I O N

Lang Transportation Corporation requests authority to sell and transfer, and USA Tank Lines, a corporation, requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The certificate was granted by Decision No. 75937 dated July 15, 1969 in Application No. 50923 and authorizes the transportation of petroleum products, in bulk, with certain exceptions, along various described routes. The agreed cash consideration is \$3,500.

Applicant buyer is a newly formed California corporation. Each of its officers has had extensive experience in the field of transportation. It owns and operates 14 units of equipment.

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 Lang Transportation Corporation and the issuance of a certificate in appendix form to USA Tank Lines.

USA Tank 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 August 1, 1974, Lang Transportation Corporation may sell and transfer the operative rights referred to in the application to USA Tank Lines.
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 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. 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. 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 USA Tank Lines, 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.

5. The certificate of public convenience and necessity granted by Decision No. 75937 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. 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.

7. 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.

8. Purchaser 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.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of MARCH, 1974.

Vernon L. Sturgeon  
President  
William J. Moran, Jr.  
William J. Moran, Jr.  
Thomas Moran  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

USA Tank Lines, 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 petroleum products, in bulk, except liquefied petroleum gases and any other petroleum products requiring pressurized tanks, other than casing head or natural gasoline requiring tanks having a working pressure of not more than 60 pounds per square inch, and except liquid asphalt and hot road oils and any other petroleum products requiring insulated tanks, along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within 50 miles of said routes:

1. U. S. Highway 101 between the Oregon-California State Line and the City of Los Angeles; Interstate Highway 5 between Wheeler Ridge and the International Border with Mexico;
2. Interstate Highway 5 between the Oregon-California State Line and Sacramento; State Highway 99 between Red Bluff and Wheeler Ridge; Interstate Highway 10 between the City of Los Angeles and the California-Arizona State Line; and State Highway 86 between Indio and the International Border with Mexico;
3. State Highway 299 between Redding and Alturas;
4. U. S. Highway 395 between the Oregon-California State Line and the California-Nevada State Line via Alturas and Johnstonville; State Highway 36 between its junction with State Highway 99, near Red Bluff, and its junction with U. S. Highway 395, at Johnstonville;
5. State Highway 20 between Marysville and its junction with Interstate Highway 80;
6. Interstate Highway 80 between San Francisco and the California-Nevada State Line;
7. U. S. Highway 50 between Sacramento and the California-Nevada State Line;
8. U. S. Highway 395 between the California-Nevada State Line, near Topaz Lake, and its junction with Interstate Highway 15, near Hesperia;

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9. Interstate Highway 15 between its junction with Interstate Highway 10 and the California-Nevada State Line; Interstate Highway 40 (U. S. Highway 66), between Barstow and Needles, via Amboy and Essex;
10. State Highway 60 between the City of Los Angeles and its junction with Interstate Highway 10 at Beaumont;
11. State Highway 127 between Baker and the California-Nevada State Line;
12. Interstate Highway 8 between San Diego and the California-Arizona State Line.

(END OF APPENDIX A)

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