

**ORIGINAL**Decision No. 82767

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
M & M TRANSPORT, INC., a corporation,  
to sell, and of JACQUELINE D. MARTIN,  
an individual doing business as  
ALL BULK COMMODITIES, to purchase a  
cement carrier certificate authorizing  
service to and within the Counties of  
Kern, Los Angeles, San Bernardino,  
San Luis Obispo, Santa Barbara, and  
Ventura, State of California, pursuant  
to Sections 851-853 of the California  
Public Utilities Code.

Application No. 54676  
(Filed February 19, 1974)

In the Matter of the Application of  
M & M TRANSPORT, INC., a corporation,  
to sell, and of GEORGE E. SACK, JR.,  
an individual doing business as  
GEORGE E. SACK, JR., TRUCKING, to  
purchase a cement carrier certificate  
authorizing service to and within the  
Counties of Mono and San Joaquin,  
State of California, pursuant to  
Sections 851-853 of the California  
Public Utilities Code.

Application No. 54677  
(Filed February 19, 1974)

O P I N I O N

M & M Transport, Inc. requests authority to sell and transfer, and George E. Sack, Jr., an individual doing business as George E. Sack, Jr., Trucking, and Jacqueline D. Martin, an individual doing business as All Bulk Commodities, request authority to purchase and acquire, portions of a certificate of public convenience and necessity authorizing operations as a cement carrier.

The certificate was granted by Decision No. 74051 dated April 30, 1968 in Application No. 50057 and authorizes the transportation of cement to and between points within the counties of Kern, Los Angeles, Mono, San Bernardino, San Luis Obispo, San Joaquin, Santa Barbara, and Ventura. Applicant seller proposes to transfer that portion of the certificate authorizing operations within the counties of Mono and San Joaquin to George E. Sack, Jr., for a cash consideration of \$100 and the remaining portion of the certificate to Jacqueline D. Martin for a cash consideration of \$4,400. Applicant Martin is presently engaged as a radial highway common carrier and dump truck carrier and as of September 30, 1973 indicated a net worth in the amount of \$83,000. Applicant Sack is presently operating as a cement carrier pursuant to a certificate granted by Decision No. 79274 and as of August 31, 1973 indicated a net worth in the amount of \$64,843.

After consideration the Commission finds that the proposed transfers would not be adverse to the public interest and concludes that they should be authorized. We further find with reasonable certainty that the project involved in these proceedings 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 transfers are completed, the revocation of the certificates presently held by M & M Transport, Inc. and George E. Sack, Jr., and the issuance of certificates in appendix form to Jacqueline D. Martin and George E. Sack, Jr.

The authorization granted shall not be construed as a finding of the value of the rights authorized to be transferred.

Purchasers 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 holders 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, M & M Transport, Inc. may sell and transfer the operative rights referred to in the application to Jacqueline D. Martin and George E. Sack, Jr.
2. Within thirty days after the transfer purchasers shall file with the Commission written acceptances of the certificates and the purchasers shall file with the Commission true copies of the bill of sale or other instrument of transfer.
3. Purchasers 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.

A. 54676, A. 54677 ek

4. In the event the transfers authorized in paragraph 1 are completed, effective concurrently with the effective dates of the tariff filings required by paragraph 3, certificates of public convenience and necessity are granted to Jacqueline D. Martin and George E. Sack, Jr. 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. 74051 and 79274 are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchasers 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. Purchasers 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.

A. 54676, A. 54677 ek

8. Purchasers shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchasers 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 23rd day of APRIL, 1974.

Vernon L. Sturgeon  
President  
William J. Sturgeon Jr.  
J. P. Sturgeon  
John L. Sturgeon  
Commissioners

Jacqueline D. Martin  
(an individual)  
doing business as  
ALL BULK COMMODITIES

Jacqueline D. Martin, 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 in the Counties of Kern, Los Angeles, Bernardino, San Luis Obispo, Santa Barbara and Ventura, subject to the following restriction:

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. 82767, Application No. 54676.

George E. Sack, Jr.  
(an individual)  
doing business as  
GEORGE E. SACK, JR. TRUCKING

George E. Sack, Jr., 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:

Fresno  
Imperial  
Inyo  
Kern  
Kings  
Los Angeles  
Madera  
Mono  
Monterey  
Orange

Riverside  
San Benito  
San Bernardino  
San Diego  
San Joaquin  
San Luis Obispo  
Santa Barbara  
Santa Clara  
Tulare  
Ventura

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

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

Decision No. 82767, Application No. 54577.