

ORIGINAL

Decision No. 82777

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

(a) GODINHO TRUCKING CO., INC., a corporation, to purchase, and of JOHN C. GODINHO, an individual, to sell, a certificate of public convenience and necessity for the transportation of cement to and within the Counties of Kern, Los Angeles, Orange, Riverside, San Luis Obispo, Santa Barbara and Ventura, in the State of California, pursuant to Sections 851-853 of the California Public Utilities Code.  
(b) GODINHO TRUCKING CO., INC., a corporation, to issue shares of its common capital stock, pursuant to Sections 816-830 of the California Public Utilities Code.

Application No. 54476  
(Filed November 30, 1973)

O P I N I O N

John C. Godinho requests authority to sell and transfer a certificate of public convenience and necessity authorizing operations as a cement carrier to Godinho Trucking Co., Inc., a newly formed California corporation, of which he is president. The corporation also requests authority to issue 1,165 shares of its common capital stock to John C. Godinho at a par value of \$10 per share.

The certificate was granted by Decision No. 81642 and authorizes the transportation of cement from any and all points of origin to all points and places within the counties of Kern, Los Angeles, Orange, Riverside, San Luis Obispo, Santa Barbara, and Ventura.

The proposed issuance of stock will be the consideration for the transfer of a portion of the assets, seller having a total book value of \$56,501.65, subject to certain liabilities in the amount of \$44,851.65. No value has been placed upon the certificate.

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 John C. Godinho and the issuance of a certificate in appendix form to Godinho Trucking Co., Inc.

We further find that the proposed issuance of stock is for proper purposes. The money, property, or labor to be procured or paid for by the issuance of the stock authorized by this decision are reasonably required for the purposes specified, which purposes is not, in whole or in part, reasonably chargeable to operating expenses or to income.

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

Godinho Trucking Co., 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, John C. Godinho may sell and transfer the operative rights and property referred to in the application to Godinho Trucking Co., Inc.

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. 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 Godinho Trucking Co., 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 Decision No. 81642 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 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 purchaser elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

9. After the effective date hereof, purchaser may issue not exceeding 1,165 shares of its capital stock having a par value of \$10.00 per share.

10. The issuer of the securities authorized by this order shall file with the Commission a report, or reports, as required by General Order No. 24-Series.

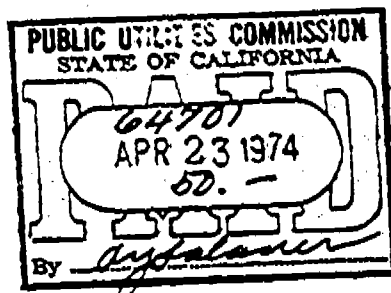
The authority granted by this order to issue stock will become effective when the issuer has paid the fee prescribed by

Section 1904.1 of the Public Utilities Code, which fee is \$50.

In other respects, the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of APRIL, 1974.

William L. Longenecker  
President  
William Longenecker  
W. Longenecker  
W. Longenecker  
W. Longenecker  
Commissioners



Godinho Trucking Co., 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:

Kern, Los Angeles, Orange, Riverside, San Luis  
Obispo, Santa Barbara and Ventura.

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. 82777, Application No. 54476.