

Decision No. 82786

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of EDWARD T. MOLITOR, an individual, doing business as STANDARD TRUCK LINE, for authority to transfer operating rights and sell transportation equipment and lease certain facilities; the Application of SAN DIEGO STANDARD TRUCK, a California corporation, for authority to purchase certain common carrier operating right and to do business under the fictitious name of STANDARD TRUCK LINE.

Application No. 54545  
(Filed December 31, 1973)

O P I N I O N

Edward T. Molitor, doing business as Standard Truck Line, requests authority to transfer his certificated authority and assets to San Diego Standard Truck, a California corporation, of which Edward T. Molitor is president.

The certificated authority was granted by Decision No. 49161 dated September 29, 1953 in Application No. 34430 and Decision No. 64482 dated October 30, 1962 in Application No. 44585, as amended by Decision No. 68682 dated March 2, 1965 in Application No. 44585, and authorizes the transportation of garments, clothing, and wearing apparel when transported on garment hangers between various points in southern California. The proposed transfer will be without consideration. As of June 30, 1973 the corporation indicated a net worth in the amount of \$57,264 and as of the same date Edward T. Molitor, doing business as Standard Truck Line, indicated a net worth in the amount of \$164,109.

Applicant Molitor proposes to transfer all of the assets of his business, with the exception of the real property, which will be leased to the corporation.

It is alleged that the proposed transfer would effect economies through tax savings and would result in a more efficient and flexible management to meet the demand of expanding business.

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 Edward T. Molitor, an individual doing business as Standard Truck Line, and the issuance of a certificate in appendix form to San Diego Standard Truck, which will do business as Standard Truck Line.

San Diego Standard Truck 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, Edward T. Molitor, an individual doing business as Standard Truck Line, may transfer the operative rights referred to in the application to San Diego Standard Truck.
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. 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 San Diego Standard Truck, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 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 Decisions Nos. 49161 and 64482, as amended, is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Transferee 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. 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. Transferee 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 ten days after the date hereof.

Dated at San Francisco, California, this 23rd  
day of APRIL, 1974.

Verna L. Sturgeon  
President  
William J. Brown  
John J. Brown  
John J. Brown  
John J. Brown  
Commissioners

San Diego Standard Truck, doing business as Standard Truck Line, 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:

Garments, clothing, and wearing apparel when transported on garment hangers, and merchandise incidental thereto shipped in company therewith in packages weighing not more than eight pounds, between manufacturers, wholesalers and retailers located in Los Angeles, San Diego, La Mesa, El Cajon, Lemon Grove, National City, Chula Vista, Coronado, Palm City, Del Mar, Solana Beach, Rancho Santa Fe, Escondido, San Marcos, Vista, Oceanside, Carlsbad, Leucadia, Encinitas and Cardiff-by-the-Sea. Applicant may operate over any and all available highways for operating convenience only. The operating authority hereinabove set forth does not include the right to render service to, from or between intermediate points not named herein.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 82786, Application No. 54545.