

ORIGINALDecision No. 83434

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of SEA-AIR CONTAINER TRANSPORT,)
 INC., a California corporation,)
 to transfer, and TRANSPORT EQUITY)
 CORPORATION, a California corpo-)
 ration, doing business as)
 CERTIFIED TRANSPORT, to acquire)
 a Certificate of Public Conve-)
 nience and Necessity to operate)
 as a Highway Common Carrier.)

Application No. 54657

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 82799, dated April 30, 1974, in the above proceeding, Sea-Air Container Transport, Inc. (Sea-Air), a California corporation, was authorized to transfer a portion of its highway common carrier authority to Transport Equity Corporation, also a California corporation.

The authority retained by Sea-Air was restated and re-issued as Appendix B to Decision No. 82799, supra, and is a portion of a certificate of registration issued by the Interstate Commerce Commission in Docket No. MC-120097 (Sub-No. 1), dated July 29, 1968.

The certificate authorizes operations as a highway common carrier of general commodities, subject to exceptions, between the City of Los Angeles on the one hand and Riverside and San Diego on the other hand, excluding service to intermediate points.

By its order in Proceeding No. MC-F-12161, service date of May 30, 1974, the Interstate Commerce Commission authorized Rozay's Transfer (Rozay), a California corporation, to acquire the aforementioned certificate of registration, pursuant to Section 5 of the Interstate Commerce Act.

Section 5 of the Interstate Commerce Act confers on the Interstate Commerce Commission exclusive and plenary jurisdiction in matters within the scope of the section.

Pursuant to this authority the order of the Interstate Commerce Commission requires Rozay to submit a certified copy of the State certificate, supporting the certificate of registration, as reissued to it or a certified copy of this Commission's order approving its transfer to Rozay.

A copy of the Interstate Commerce Commission's order has been received together with a letter on July 15, 1974, requesting the transfer of the California certificated authority underlying the certificate of registration.

Rozay is also a highway common carrier operating pursuant to a certificate of public convenience and necessity issued by this Commission in Decision No. 61417, dated January 24, 1961, as amended by Decision No. 63069, dated January 9, 1962, both in Application No. 42706; transferred to Rozay by Decision No. 66219, dated October 29, 1963, as amended by Decision No. 66430, dated December 1, 1963, both in Application No. 45727; which was further amended by Decision No. 74082, dated May 7, 1968 and Decision No. 74541, dated August 13, 1968, both in Application No. 48547; and again amended by Resolution No. 16341, dated November 7, 1968, in Application No. 42706 and Decision No. 77487, dated July 14, 1970, in Application No. 51413.

Rozay has obtained a certificate of registration from the Interstate Commerce Commission in Docket No. MC-120617 (Sub-No. 1), service date of June 28, 1965, authorizing operations as a motor common carrier in interstate and foreign commerce coextensive with its California authority.

We take notice of a finding in the Interstate Commerce Commission's order that the transaction involved is not a major Federal action significantly affecting the quality of the human environment.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes it should be authorized.

The order which follows will provide for, in the event the transfer is completed, the restatement and consolidation of the certificated highway common carrier authority presently held by Rozay and the authority it is to acquire from Sea-Air. Such restatement will not change or broaden these authorities.

A public hearing is not necessary.

Rozay's Transfer 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.

ORDER

IT IS ORDERED that:

1. On or before December 31, 1974, Sea-Air Container Transport, Inc., may sell and transfer the operative rights described in Appendix B to Decision No. 82799 to Rozay's Transfer.
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 Rozay's Transfer, a California 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 certificates of public convenience and necessity granted by this Commission (previously enumerated in the opinion portion of this decision), to Rozay's Transfer and to Sea-Air Container Transport, Inc., are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.


6. Purchaser shall comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

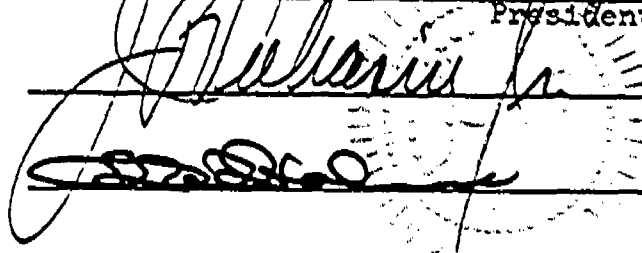
7. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

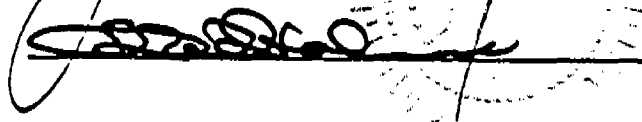
8. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If it elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

The effective date of this order is the date hereof.

Dated at San Francisco California, this 11th day of SEPTEMBER 1974.



President




Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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

Rozay's Transfer, 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 general commodities between:

1. The City of Los Angeles on the one hand, and the City of San Diego on the other hand.
2. Points in the Los Angeles Basin Territory as described in Note A.

Except that pursuant to the authority herein granted, carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements.^{1/}
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.

^{1/}Crated property means property securely packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton burlap, gunny, fibreboard, or straw matting).

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3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. (Applies only to the authority in paragraph No. 1).
10. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration. (Applies only to the authority in paragraph No. 2).
11. Textiles, dry goods, wearing apparel, rugs or carpeting between points wholly within the City of Los Angeles and moving entirely via routes within the City of Los Angeles when the traffic is delivered by pool car to the carrier's terminal and does not have an immediately prior movement by water.

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12. Textiles, dry goods, wearing apparel, rugs or carpeting from the carrier's terminal located at 2315 Nadeau Street, Huntington Park, California destined to points within the City of Los Angeles north of 182nd Street when the traffic is delivered by pool car to the carrier's terminal located at 2315 Nadeau Street, Huntington Park, California and does not have an immediately prior movement by water.

Note A

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego

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County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

(END OF APPENDIX A)

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