

Decision No. 83492

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Dewey and Bob's Mixed Concrete, Inc., a corporation, to sell, and of United Terrazzo Supply Co., Inc., a corporation, to purchase, a cement carrier certificate authorizing service to and within the Counties of Los Angeles, San Bernardino and San Diego, in the State of California, pursuant to Sections 851-853 of the California Public Utilities Code.

Application No. 55066
(Filed July 26, 1974)

O P I N I O N

Dewey and Bob's Mixed Concrete, Inc., requests authority to sell and transfer, and United Terrazzo Supply Co., Inc., requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a cement carrier.

The certificate was granted by Decision No. 80028 dated May 9, 1972 in Application No. 53230 and authorizes the transportation of cement from any and all points within the State of California to all points within the counties of Los Angeles, San Bernardino, and San Diego, California.

Applicant purchaser is presently a holder of a radial highway common carrier permit authorizing the transportation of general commodities statewide and as of June 30, 1974 indicated total assets in the amount of \$83,503.

The agreed consideration is \$3,000 cash.

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 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 Dewey and Bob's Mixed Concrete, Inc. and the issuance of a certificate in appendix form to United Terrazzo Supply, Co., Inc.

Purchaser 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 31, 1974, Dewey and Bob's Mixed Concrete Inc. may sell and transfer the operative rights referred to in the application to United Terrazzo Supply Co., Inc., a California corporation.
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 United Terrazzo Supply 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. 80028 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.

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

Dated at San Francisco, California, this 24th
day of SEPTEMBER, 1974.

Vernon L. Sturgeon
President
William J. Synge
J. M. McKinn
Samuel
Commissioners

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

Appendix A UNITED TERRAZZO SUPPLY CO., INC. Original Page 1
(a California corporation)

United Terrazzo Supply Co. Inc., by the certificate of public convenience and necessity granted in 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 within the following counties, subject to the restrictions below:

Los Angeles, San Bernardino, and San Diego.

RESTRICTIONS:

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

Whenever United Terrazzo Supply Co., Inc., engages other carriers for the transportation of property of United Terrazzo Supply Co., Inc., or customers or suppliers of said corporation, United Terrazzo Supply Co., Inc., shall not pay such other carriers rates and charges less than the rates and charges published in United Terrazzo Supply Co., Inc.'s tariffs on file with this Commission.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 83492, Application No. 55066.