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ORIGINAL

Decision No. 83606

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of STANDARD READY MIX SERVICE)
CORPORATION, a corporation, of)
Whittier, for a certificate to)
operate as a cement carrier)
(Application No. T-54,960,)
CMT-G), San Diego County, et al.,)
(File No. T-54,960).)

Application No. 46382

SUPPLEMENTAL OPINION AND ORDER

Standard Ready Mix Service Corporation is authorized to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, pursuant to an amended certificate of public convenience and necessity granted by this Commission.¹ The certificate, as amended, authorizes operations from any and all points of origin, to all points within Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura Counties. The certificate, as amended by Decision No. 68647, supra, contains certain "alter ego" or "carrier-shipper" restrictions, both as to individuals and corporations, who are associated by reason of common ownership or control with the carrier.

By the Certificate of Amendment of the Articles of Incorporation filed with the Secretary of the State of California on February 7, 1973, Standard Ready Mix Service Corporation changed its corporate name to Standard Service Corporation.

¹The certificate was granted by Resolution No. 13823, Sub. 27, dated June 23, 1964 and amended and expanded by Decision No. 68647 dated February 24, 1965 in Application No. 46382.

The Commission's records show that F. C. Horowitz and David Horowitz are stockholders of Standard Service Corporation. In addition, they indicate that F. C. Horowitz is the sole stockholder in F. C. Horowitz Enterprises, Inc., and that both F. C. Horowitz and David Horowitz are stockholders in Standard Concrete Material, Inc., which individuals and/or companies could utilize the transportation services offered by Standard Service Corporation.

In the circumstances, the Commission finds that a carrier-shipper affiliation exists between Standard Service Corporation, F. C. Horowitz, David Horowitz, F. C. Horowitz Enterprises, Inc., and Standard Concrete Material, Inc., and that a restriction denoting such fact should be incorporated in the carrier's certificate.

In view of the change of corporate name, the need to consolidate the carrier's operating authority, and to update the obsolete "carrier-shipper" restrictions now shown therein, the Commission concludes that the operating authority should be reissued, in appendix form, and should include the aforesaid restriction. The new certificate will cancel and supersede the existing authority identified in Footnote 1 herein. In addition, the carrier will be ordered to amend its tariffs pursuant to General Order No. 117 to show the new corporate name and the restated carrier-shipper restriction shown in its certificate.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Standard Service Corporation, a California corporation, 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.



2. Within sixty days after the date hereof, and on not less than ten days notice to the Commission and to the public, Standard Service Corporation shall amend its tariffs on file with this Commission as required by Rule No. 6.2 of General Order No. 117.

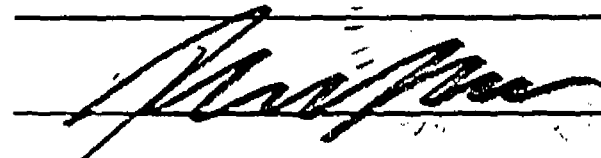

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3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate granted to Standard Ready Mix Service Corporation by Resolution No. 13823, Sub. 27, dated June 23, 1964 as amended by Decision No. 68647 dated February 24, 1965 in Application No. 46382, which certificate is hereby revoked effective concurrently with the effective date of the tariff filings required by paragraph 2 above.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16th day of October, 1974.


President




Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Standard Service Corporation, 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 Bernardino, San Diego and Ventura subject to the following restrictions:

1. Whenever Standard Service Corporation engages other carriers for the transportation of property of F. C. Horowitz, David Horowitz, F. C. Horowitz Enterprises, Inc., Standard Service Corporation, or Standard Concrete Material, Inc., or customers or suppliers of said individuals or corporations, Standard Service Corporation shall not pay such other carrier rates and charges less than the rates and charges published in its tariffs on file with this Commission.
2. 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. 83606, Application No. 46382.