

ORIGINAL

Decision No. 83745

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of BOULEVARD TRANSPORTATION)	
COMPANY, a corporation, for the)	
extension of its certificates of)	Application No. 42393
public convenience and necessity)	
as a highway common carrier of)	
property.)	

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 60988, dated November 1, 1960, as amended by Decision No. 61171, dated December 13, 1960, in the above proceeding, Boulevard Transportation Company (Boulevard) was granted an extension of its highway common carrier authority and an in-lieu certificate of public convenience and necessity was issued to it.

Boulevard now seeks authority to sell and transfer its highway common carrier authority to Transcon Lines (Transcon).

The carriers are California corporations operating as certificated highway common carriers under the jurisdiction of this Commission. In addition, they operate under the jurisdiction of the Interstate Commerce Commission. The carriers advise that they have received the authority to effect the proposed sale and transfer pursuant to the exclusive and plenary jurisdiction of the Interstate Commerce Commission under Section 5(11) of the Interstate Commerce Act.

Transcon Lines has filed with the Commission copies of Interstate Commerce Commission Orders, issued by Review Board Number 5, dated August 2, 1974, Finance Docket No. MC-F-12091, and

by Division 3, acting as an Appellate Division, dated October 4, 1974, authorizing the sale and transfer of interstate and intrastate operating rights, good will and carrier operating property of Boulevard to Transcon.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary. The project involved in this proceeding will not have a significant effect on the environment.

Transcon is hereby 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, these 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.

IT IS ORDERED that:

1. On or before April 30, 1975, Boulevard Transportation Company may sell and transfer and Transcon Lines may purchase and acquire the operative rights referred to herein.
2. Within thirty days after the consummation of the transfer herein authorized, purchaser shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.
3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said 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

to the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. 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 and observe the provisions of General Order No. 80-Series may result in cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. Within thirty days after the effective date hereof, purchaser shall file a written acceptance of the certificate, the transfer of which is herein authorized. Purchaser is placed on notice, that, if it accepts such certificate, it will be required, among other things, to comply with and observe the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

6. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform Systems 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.

7. Purchaser shall comply with the requirement 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 filing as required by the General Order.

8. Within one hundred eighty days after the effective date of this order Transcon Lines shall submit to this Commission a proposed in-lieu certificate of public convenience and necessity describing and consolidating all of its highway common carrier operating authorities as granted by this Commission. Such proposed certificate shall reflect the current designations of highways and roads as used to describe its authority and shall not, unless submitted with a proper application, exceed in any way the scope of the authority authorized by the Commission in the decisions it is intended to replace. To the extent possible, Transcon Lines shall, in submitting the proposed in-lieu certificate, eliminate any overlapping and duplicate authorities that may now exist.

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

Dated at San Francisco, California, this 19th day of November, 1974.

President
William J. Quinn

[Signature]

[Signature]

Robert E. McPherson
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.