

Decision No. 83980**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SCHAAFSMA BROS. TRUCKING CO., INC.,)
 a corporation, to sell, and of)
 RICHARD N. LADEIRA, an individual)
 doing business as RICH N. LADEIRA)
 TRUCKING, to purchase a cement)
 carrier certificate authorizing)
 service to and within the County)
 of Contra Costa, State of)
 California, pursuant to Sections)
 851-853 of the California Public)
 Utilities Code.)

Application No. 55324
 (Filed November 19, 1974)

O P I N I O N

Schaafsma Bros. Trucking Co., a California corporation, requests authority to sell and transfer, and Richard N. Ladeira, an individual doing business as Rich N. Ladeira Trucking, requests authority to purchase and acquire, that portion of a certificate of public convenience and necessity which authorizes operations as a cement carrier from all points of origin, to all points in Contra Costa County.

The certificate was granted by Decision No. 78366 dated March 2, 1971. Purchaser is also engaged in the transportation of property between points in the State of California pursuant to radial highway common carrier, dump truck carrier, and livestock carrier permits under File No. T-90350, and as of August 31, 1974 indicated a net worth in the amount of \$42,819.

The agreed consideration is \$1,200 cash. Copies of the application were served upon the principal cement mills and the California Trucking Association.

There were no protests.

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 Schaafsma Bros. Trucking Co. and the issuance of certificates in appendix form to Richard N. Ladeira and Schaafsma Bros. Trucking Co.

Applicants are 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 March 1, 1975, Schaafsma Bros. Trucking Co. may sell and transfer the operative rights referred to in the application to Richard N. Ladeira.
2. Within thirty days after the transfer applicants shall file with the Commission written acceptances of the certificates and a true copy of the bill of sale or other instrument of transfer.

3. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations authorized to show that they have adopted or established as their 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, certificates of public convenience and necessity are granted to Richard N. Ladeira and Schaafsma Bros. Trucking Co., authorizing them to operate as cement carriers, as defined in Section 214.1 of the Public Utilities Code, between the points set forth in Appendices A and B, respectively, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision No. 78366 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

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

7. Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

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

Dated at San Francisco, California, this 14th day of JANUARY, 1975.

Vernon L. Peterson
President
William J. Gorman
Seadha

Commissioners

RICHARD N. LADEIRA
(an individual)
doing business as
RICH N. LADEIRA TRUCKING

Richard N. Ladeira, 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 Contra Costa County, subject to the following restriction:

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. 83980, Application No. 55324.

Schaafsma Bros. Trucking Co., 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 Fresno, Imperial, Inyo, Kern, Los Angeles, Merced, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura, subject to the following restriction:

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

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

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