

ORIGINALDecision No. 84199

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Appli-)
 cation of INLAND FREIGHT LINES,)
 a corporation, for authority to)
 acquire a Certificate of Public)
 Convenience and Necessity, and)
 M.A.P., INC., a corporation, to)
 transfer pursuant to Sections)
 851-854 of the California Public)
 Utilities Code.)

Application No. 55465
 (Filed January 28, 1975)

OPINION

M.A.P., Inc., (seller) a California corporation, requests authority to sell and transfer and Inland Freight Lines, (purchaser) a California corporation, requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier.

Said certificate was granted by Decision No. 55894, in Application No. 36422, as amended by Decision No. 63054, transferred to seller by Decision No. 63970, as amended by Decision No. 82943 and registered with the Interstate Commerce Commission in Docket No. MC-5178 (Sub No. 2) dated March 30, 1964. The certificate authorizes the transportation of general commodities with the usual exceptions between various points in Los Angeles and Orange Counties.

Pursuant to the Purchase and Sale Agreement entered into by applicants on January 14, 1975, the agreed cash consideration is \$33,000 of which \$20,000 is for the intrastate certificate and \$13,000 is for the interstate Certificate of Registration. Applicants propose to seek from the Interstate Commerce Commission corresponding authority to transfer the Certificate of Registration. The purchase price will be paid in full when final approval of the transfer of the operating authority is given by this Commission and the Interstate Commerce Commission.

Applicant purchaser is presently engaged in the transportation of property in intrastate commerce between points in this state pursuant to permits issued by this Commission. It operates 22 tractors, 2 dollies and 12 trailers. As of November 3, 1974, it has total capital in the amount of \$103,282. Applicant seller participates in several tariff publications of Western Motor Tariff Bureau, Inc., which applicant purchaser will adopt effective with consummation of the proposed transfer.

Applicants have requested relief from the provisions of Rule 37 of the Commission's Rules of Practice and Procedure, which require that copies of the application be widely disseminated. It is alleged that a copy of the application was forwarded to the California Trucking Association, in addition to publication in the Commission Calendar. It is further alleged that the deviation is justified under Rule 87, to "secure just, speedy and inexpensive determination of the issues presented." No protests to the application have been received.

The Commission finds that the deviation from Rule 37 should be authorized, that the proposed transfer would not be adverse to the public interest and concludes that the application should be granted. 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 M.A.P., Inc., and the issuance of a certificate in appendix form to Inland Freight Lines. The new certificate issued to Inland Freight Lines will not broaden the interstate or foreign commerce rights held by the carrier.

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 September 30, 1975, M.A.P., Inc., may sell and transfer the operative rights referred to in the application to Inland Freight Lines.

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 Inland Freight Lines 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 certificate of public convenience and necessity granted by Decision No. 55894, as amended by Decision No. 63054 is 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 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.

9. Applicants M.A.P., Inc., and Inland Freight Lines are granted a deviation from Rule 37 of the Commission Rules of Practice and Procedure to the extent requested in the application.

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

Dated at San Francisco, California, this 18th day of March, 1975.

Verna L. Sturgeon
President

William Lyndon-Jr.

~~Sturgeon~~

Leonard Ross
Commissioners

Inland Freight Lines, 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 any and all points and places within an area embraced by the following boundary:

Commencing at the point at which Second Street, in the City of Hermosa Beach, intersects the Pacific Ocean; thence east along the north line of Second Street until said street intersects with the Pacific Coast Highway (U.S. Highway 101 Alt.), thence north along the west line of said Pacific Coast Highway until it intersects with Redondo Beach Boulevard; thence east along the north line of Redondo Beach Boulevard until it intersects with Aviation Boulevard; thence north along the west line of Aviation Boulevard until it intersects with Rosecrans Avenue; thence east along the north line of Rosecrans Avenue until it intersects Atlantic Avenue; thence north along the west line of Atlantic Avenue until Atlantic Avenue becomes Atlantic Boulevard; thence north along the west line of Atlantic Boulevard until it intersects Whittier Boulevard; thence east along the north line of Whittier Boulevard until it intersects Workman Mill Road; thence north along the west line of Workman Mill Road until it intersects Valley Boulevard; thence south along the east line of Valley Boulevard until it intersects Hacienda Boulevard; thence south along the east line of Hacienda Boulevard until it intersects Whittier Boulevard; thence east along the north line of Whittier Boulevard until it intersects Central Avenue; thence east along the north line of Central Avenue until it intersects Pomona Avenue; thence south along the east line of Pomona Avenue until it intersects Imperial Highway; thence east along the north line of Imperial Highway until it intersects Rose Drive; thence south along the east line of Rose Drive until it intersects Yorba Linda Boulevard; thence east along the north line of Yorba Linda Boulevard until it intersects Prospect Street; thence south along the east line of Prospect Street until it runs into Jefferson Street; thence south along the east line of Jefferson Street until it runs into Tustin Avenue; thence south along the east line of Tustin Avenue until it intersects Newport Avenue; thence south along the east line of Newport Avenue until it intersects the Coast

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Highway (U.S. Highway 101 Alt.); thence west along the south line of the Coast Highway until it intersects with Bushard Street; thence south along a projection of the east line of Bushard Street until it intersects the Pacific Ocean; thence along the Coast line until the point of beginning.

Restriction:

Applicant shall not transport any shipments of:

1. Used household goods, and personal effects and office, store and institution furniture, fixtures and equipment not 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).
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.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

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6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

(END OF APPENDIX A)

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