

ORIGINAL

Decision No. 84200

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica-)
tion of OWL READY MIX, a corpor-)
ation, of Riverside, for a cer-)
tificate to operate as a cement)
carrier (Application No.)
T-67,005, CMT-G), (File No.)
T-67,005).)

Application No. 46451

THIRD SUPPLEMENTAL OPINION AND ORDER

Owl Service Rock Co., a California corporation, (formerly Owl Materials Co.), is the holder of a certificate of public convenience and necessity authorizing operations as a cement carrier issued by Resolution No. 13823 (Sub. No. 23), dated June 23, 1964, in Application No. 46451, to Owl Ready-Mix, (the former corporate name of Owl Materials Co.).

Owl Service Rock Co., is a wholly owned subsidiary of Owl Rock Products Co., a California corporation. Owl Rock Products Co., operates pursuant to radial highway common carrier, highway contract carrier and dump truck carrier permits.

Owl Rock Products Co., has submitted a Resolution of Merger by the Board of Directors of Owl Rock Products Co., the surviving corporation; a Certificate of Ownership filed with the California Secretary of State on September 30, 1974; and a written request from its Secretary requesting that the Commission amend its records to reflect that Owl Rock Products Co. is the holder of the cement carrier authority, supra, and is authorized to operate thereunder.

The authority, as issued by Resolution No. 13823 (Sub. No. 23), is restricted by an alter-ego condition. Because of changes in corporate relationships over the years, the restriction does not reflect the current affiliates of the carrier.

The cement carrier authority will therefore be reissued in the form of a new certificate to reflect the current affiliations of the carrier and the change in its corporate name.

After consideration, the Commission finds that the proposed change would not be adverse to the public interest and concludes that it should be authorized.

A public hearing is not necessary.

Owl Rock Products Co., 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. A certificate of public convenience and necessity is granted to Owl Rock Products Co., 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 of this decision.
2. In providing service pursuant to the authority granted by this order, Owl Rock Products Co., shall comply with the following service regulations. Failure so to do may result in

a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, it shall file a written acceptance of the certificate granted. It is placed on notice that, if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within sixty days after the effective date of this order, it shall amend or reissue the tariffs on file in the Commission's office.
- (c) 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.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117-Series.
- (e) It 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.
- (f) It shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Resolution No. 13823 (Sub. No. 23), which certificate is revoked effective

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concurrently with the effective date of the tariff filings required by paragraph 2(b).

The effective date of this order is the date hereof.

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

Vernon L. Stinson
President

William J. Grouse

~~Edward J. Grouse~~

Leonard Ross
Commissioners

Owl Rock Products 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 any and all points in the counties of:

Riverside and San Bernardino.

RESTRICTION: Whenever Owl Rock Products Co. engages other carriers for the transportation of property of Owl Rock Products Co., or Owl Constructors, or Atlas Materials or Owl Slipform or customers or suppliers of said corporations or companies, Owl Rock Products Co. shall not pay such other carriers rates and charges less than the rates and charges published in Owl Rock Products Co.'s tariffs on file with this Commission.

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. 84200, Application No. 46451.