

**ORIGINAL**

Decision No. 84252

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Granzotto Trucking Co., a )  
corporation to sell and transfer )  
a certificate of public conve- )  
nience and necessity authorizing )  
the transportation of cement to )  
B.C.B.M. Transport Inc., a )  
corporation. )

Application No. 55459  
(Filed January 29, 1975)

In the Matter of the Application )  
of Allan L. Wenger, to sell and )  
transfer a certificate of public )  
convenience and necessity )  
authorizing the transportation )  
of cement to B.C.B.M. Transport )  
Inc., a corporation. )

Application No. 55460  
(Filed January 29, 1975)

O P I N I O N

Granzotto Trucking Co., Inc. holds a cement carrier certificate authorizing service to and within the Counties of Alameda, Contra Costa, Fresno, Nevada, Sacramento, San Francisco, Santa Clara, Solano and Yolo from any and all points of origin pursuant to Resolution No. 13821 and Decision No. 68109 in Application No. 46408. By Application No. 55459, Granzotto seeks to sell its operating authority to B.C.B.M. Transport, Inc., a California corporation.

Allan L. Wenger holds a cement carrier certificate authorizing service to and within the County of San Mateo from any and all points of origin pursuant to Decision No. 78403 in Application No. 51839. By Application No. 55460, Wenger seeks to sell his operating authority to B.C.B.M. Transport, Inc.

The cash consideration for the certificate held by Granzotto is \$7,500 and \$1,500 for the certificate held by Wenger.

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As of December 31, 1974, the applicant purchaser indicated a net worth in the amount of \$78,330.42.

Public liability insurance required to be on file for Allan L. Wenger was cancelled on August 27, 1972, and therefore his operating authority was suspended. Subsequently, Wenger requested voluntary suspension of his operating authority to preclude it from being revoked as a consequence of not having insurance on file. Voluntary suspension was granted by Decision No. 80819, dated December 12, 1972, which established that, as a condition to reinstatement, the \$150 reinstatement fee required by General Order 100-Series be paid. This fee has not been remitted and therefore its payment will be made a condition to the authorization to transfer.

After consideration, the Commission finds that the proposed transfers would not be adverse to the public interest and concludes that they should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfers are completed, the revocation of the certificates presently held by Granzotto Trucking Co., Inc. and Allan L. Wenger and the issuance of a certificate in appendix form to B.C.B.M. Transport, Inc.

In view of the fact that B.C.B.M. Transport, Inc. is a wholly-owned subsidiary of Bay Cities Building Materials Co., Inc., an alter-ego restriction will be inserted in the applicant purchaser's certificate.

The authorization granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

B.C.B.M. Transport, Inc., 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 August 30, 1975, Granzotto Trucking Co., Inc. and Allan L. Wenger may sell and transfer the operative rights referred to in the applications to B.C.B.M. Transport, Inc.
2. Within thirty days after the transfers, the purchaser shall file with the Commission written acceptance of the certificate and true copies of the bills of sale or other instruments 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. 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 transfers authorized in paragraph 1 are completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of

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public convenience and necessity is granted to B.C.B.M. Transport, Inc., 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.

5. The certificates of public convenience and necessity granted by Resolution No. 13821 and Decisions Nos. 68109 and 78403 are 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 the 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. Allan L. Wenger's authorization to transfer his operating authority is conditioned upon the payment to the Commission of the \$150 reinstatement fee required by Decision No. 80819 and General Order 100-Series.

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

Dated at San Francisco, California, this 25th day of March, 1975.

Vernon L. Sturgeon  
President

William J. Sproule, Jr.

[Signature]

Leonard Ross  
Commissioners

B.C.B.M. Transport, Inc., a 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, to and within the Counties of Alameda, Contra Costa, Fresno, Nevada, Sacramento, San Francisco, San Mateo, Santa Clara, Solano and Yolo from any and all points of origin subject to the following restrictions.

- Restrictions:

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

Whenever B.C.B.M. Transport, Inc. engages other carriers for transportation of property of Bay Cities Building Materials Co., Inc., or customers or suppliers of said corporation, B.C.B.M. Transport, Inc. shall pay such other carriers not less than the rates and charges published in B.C.B.M. Transport, Inc. tariffs on file with this Commission.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 84252, Application Nos. 55459 and 55460.