

**ORIGINAL**Decision No. 84433

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)  
 of BAKERSFIELD FAST FREIGHT, )  
 INC., a corporation, for author- )  
 ity to issue shares of its com- )  
 mon capital stock pursuant to )  
 Section 816-830 of the Cali- )  
 fornia Public Utilities Code, )  
 and to acquire Certificate of )  
 Public Convenience and Necessity )  
 and property, and JOHN GLADWELL )  
 and WILBURN M. WALKER, co-part- )  
 ners, doing business as BAKERS- )  
 FIELD FAST FREIGHT, to transfer )  
 pursuant to Section 851-854 of )  
 the California Public Utilities )  
 Code. )

Application No. 55568  
 (Filed March 13, 1975)

OPINION

John Gladwell and Wilburn M. Walker, co-partners, doing business as BAKERSFIELD FAST FREIGHT (sellers) request authority to sell and transfer and BAKERSFIELD FAST FREIGHT, INC., a California corporation (purchaser) requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier and all the assets, subject to all liabilities, of seller and to issue stock.

Said certificate was granted by Decision No. 67653, dated August 4, 1964, in Application No. 45548 as amended by Decision No. 72576. The certificate authorizes the transportation of general commodities, with the usual exceptions generally within the territory south of Fresno and north of Wheeler Ridge serving intermediate points on U.S. Highway 99 and 20 miles laterally thereof.

Purchaser also requests authority to issue 153 shares of its no par value common stock for sellers' operating authority and the assets of their highway carrier business. It is alleged that the purchaser will continue the operation as presently conducted by sellers using the properties concurrently acquired with the certificate to perform the service. Sellers' balance sheet of December 31, 1974 shows net worth of \$15,369.46 and purchaser's proforma balance sheet projects capital of the same amount based on 153 shares of common stock to be issued at \$100 per share.

Sellers are party to all Western Motor Tariff Bureau, Inc. Agent, tariff publications as are necessary for publication of rates to cover Bakersfield Fast Freight's present services under its operating rights. Purchaser proposes to adopt those tariffs. A copy of the application has been forwarded to the California Trucking Association. The applicants request relief from Rule 37 of the Commission's Rules of Practice and Procedure which requires wide dissemination of the application on the basis of Rule 87 thereof to secure just, speedy and inexpensive determination of the issues presented. No protests to the application have been received.

After consideration, 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 it and the request for issuance of stock should be authorized. 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 John Gladwell and Wilburn M. Walker and the issuance of a certificate in appendix form to Bakersfield Fast Freight, Inc., a corporation.

The proposed security issue is for proper purposes and the money, property, or labor to be procured or paid for by the issue of the security authorized by this decision is reasonably required for the purposes specified, which purposes are not, in

whole or in part, reasonably chargeable to operating expenses or to income.

Applicant 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.

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

O R D E R

IT IS ORDERED that:

1. On or before November 1, 1975, John Gladwell and Wilburn M. Walker may sell and transfer the operative rights and property referred to in the application to Bakersfield Fast Freight, Inc., a corporation. The transfer may be made effective as of January 1, 1975 for accounting purposes.
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 Bakersfield Fast Freight, Inc., a corporation, authorizing it to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code, between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision No. 67653, as amended by Decision No. 72576 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 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.

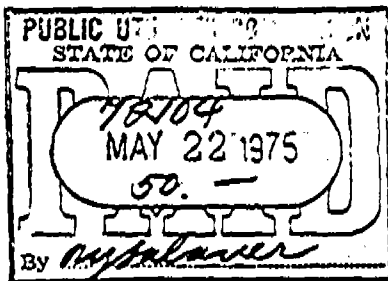
8. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

9. Effective as of January 1, 1975 for accounting purposes, Bakersfield Fast Freight, Inc., a corporation, may assume equipment obligations and issue not exceeding 153 shares of its no par value capital stock for the purposes set forth in the application.

10. The issuer of the securities authorized by this order shall file with the Commission a report, or reports, as required by General Order No. 24-Series.

The authority granted by this order to issue stock will become effective when the issuer has paid the minimum fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50. In all other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of May, 1975.



Vernon L. Sturgeon  
President  
William J. Givens  
[Signature]  
[Signature]  
Robert J. [Signature]  
Commissioners

Bakersfield Fast Freight, Inc., 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:

Fresno and Wheeler Ridge and intermediate points, serving the off-route points of Taft, Maricopa and McKittrick and all points within 20 miles laterally of State Highway 99 between Fresno and Wheeler Ridge, but not north or south thereof, subject to the following restrictions:

1. Transportation services shall be rendered in intrastate commerce only.
2. On shipments to and from Kernville and points intermediate between Kernville and Bakersfield carrier shall perform such service by interlining such shipments with Kernville Stage & Freight Lines of California, only.
3. All traffic shall have an immediately prior or subsequent movement by highway common carrier.

Subject to Notes 1, 2 and 3:

1. Applies to all shipments having either origin or destination outside of the certificated area described above.
2. Does not apply to shipments of insecticides and fungicides weighing 10,000 pounds or less and having both origin and destination within the certificated area.
3. Does not apply to shipments of commodities other than insecticides and fungicides weighing 5000 pounds or less and having both origin and destination within the certificated area.

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Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

1. Used household goods and personal effects 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.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.

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8. Logs.
9. Articles of extraordinary value.
10. Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.
11. Fresh fruits and vegetables, nuts in the shell and mushrooms.
12. House trailers, trailers other than house trailers, portable units designed for human occupancy other than trailers, and parts, contents or supports for such articles when accompanying such equipment.
13. Furniture, as described under the heading "Furniture Group" in National Motor Freight Classification A-7, Cal.P.U.C. 1, National Motor Freight Traffic Association, Inc., Agent, on the issue date thereof, and lamp shades or reflectors and lamp standards or electric lamps and shades combined when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).
14. Garments on hangers.
15. Baled hay, fodder and straw.
16. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.

(END OF APPENDIX A)

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