

Decision No. 84476**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of AZTEC TRANSPORTA-)
 TION CO., INC., a corporation,)
 doing business as Aztec Air)
 Freight, to transfer a Certifi-)
 cate of Public Convenience and)
 Necessity as a freight forwarder)
 of general commodities between)
 points in the State of Cali-)
 fornia to RIGHT-O-WAY, INC., a)
 corporation, under Section 220)
 of the Public Utilities Code.)

Application No. 55473
 (Filed January 30, 1975)

OPINION AND ORDER

Aztec Transportation Co., Inc., a corporation, doing business as Aztec Air Freight, requests authority to sell and transfer, and Right-O-Way, Inc., a corporation, requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a freight forwarder.

Aztec Transportation Co., Inc. holds the following operating authorities: (1) certificate of public convenience and necessity as a freight forwarder granted by Decision No. 75388, (2) certificate of public convenience and necessity as a highway common carrier granted by Decision No. 82793, (3) certificate of public convenience and necessity as a common carrier by motor vehicle between points in California from the Interstate Commerce Commission under file MC 120575 and (4) permits issued by this Commission for operations as a radial highway common carrier and a highway contract carrier. Right-O-Way, Inc. has been actively engaged in air freight operations for over five years and is thoroughly familiar with all phases of operations. The cash consideration is \$2,500. A

balance sheet as of September 30, 1974, for Right-O-Way, Inc. indicated a net worth in the amount of \$320,966.

No protests have been received.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and, with reasonable certainty, 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 Aztec Transportation Co., Inc. and the issuance of a certificate in appendix form to Right-O-Way, Inc.

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

Right-O-Way, 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.

IT IS ORDERED that:

1. On or before November 1, 1975, Aztec Transportation Co., Inc. may sell and transfer the operative right referred to in the application to Right-O-Way, Inc.
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 freight for-

warder 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. On or before the end of the third month after the transfer, the purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is completed, a certificate of public convenience and necessity is granted to Right-O-Way, Inc. to operate as a freight forwarder, as defined in Section 220 of the Public Utilities Code, as particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted by Decision No. 75388 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. 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.

8. Purchaser shall comply with the requirements of the Commission's General Order No. 100-Series if purchaser intends to operate a motor vehicle under this authority.

9. 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.

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

Dated at San Francisco, California, this 28th day of May, 1975.

William Sproule President
Donald Ross

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

Right-O-Way, Inc., a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a freight forwarder as defined in Section 220 of the Public Utilities Code, via the lines of air common carriers, highway common carriers, and passenger stage corporations, subject to the following conditions:

1. Applicant shall not arrange to ship any property unless such property shall have transportation by aircraft originating at one of the following named airports:

Long Beach Municipal Airport
Los Angeles International Airport
Lockheed Air Terminal, Inc., (Burbank)
Oakland International Airport
Orange County Airport
Sacramento Municipal Airport
San Diego International Airport
San Francisco International Airport and
San Jose Municipal Airport,

on the one hand, and terminating at the following points served by air common carriers, on the other hand:

Apple Valley	Crescent City
Arcata	El Centro
Bakersfield	Eureka
Blythe	Fresno
Burbank	Indio
Chico	Inyokern

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Laguna Beach	Riverside
Lake Tahoe	Sacramento
Lancaster	Salinas
Long Beach	San Bernardino
Los Angeles	San Diego
Marysville	San Francisco
Merced	San Jose
Modesto	San Luis Obispo
Monterey	Santa Ana
Oakland	Santa Barbara
Ontario	Santa Maria
Oxnard	Santa Rosa
Palmdale	Stockton
Palm Springs	Ventura
Paso Robles	Visalia
Red Bluff	Yuba City
Redding	

2. In emergencies only, highway common carriers or passenger stage corporations may be used as underlying carriers to provide transportation between the airports specified in paragraph 1 hereof.

3. Except as provided in Condition 2, the authority to ship via the lines of highway common carriers and passenger stage corporations is limited to pickup service within a 25-mile radius of the above-named origin points and delivery service within a 25-mile radius of the airports serving the above-named destination points.

(END OF APPENDIX A)

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