

Decision No. 84674**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of: (a) PACIFIC WESTERN INDUSTRIES,)
 INC., a corporation, to sell, and)
 SISK AMERICAN TRUCKING, a corporation,)
 to purchase, a cement carrier)
 certificate authorizing service to)
 and within the Counties of Fresno,)
 Imperial, Kern, Los Angeles, Orange,)
 Riverside, San Bernardino, San Diego,)
 San Luis Obispo, Santa Barbara and)
 Ventura, in the State of California,)
 pursuant to Sections 351-353 of the)
 California Public Utilities Code;)
 and (b) SISK AMERICAN TRUCKING, a)
 California corporation, to issue)
 shares of its common capital stock)
 pursuant to Sections 316-330 of the)
 California Public Utilities Code.)

Application No. 55725
 (Filed June 5, 1975)

O P I N I O N

Pacific Western Industries, Inc. seeks authority to sell and transfer its cement carrier certificate of public convenience and necessity to Sisk American Trucking, and the latter seeks authority to issue 200 shares of its \$10 par value capital stock to Skyline Concrete Sales Co. for \$2,000 cash to be used for working capital.

According to the certificate of public convenience and necessity described in Appendix A attached to Decision No. 31599, dated July 17, 1973, in Application No. 46545, Pacific Western Industries, Inc., a California corporation, operates as a cement carrier to and within the Counties of Fresno, Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura.

Sisk American Trucking is a California corporation incorporated on March 11, 1975. It proposes to acquire said certificate for \$8,000 cash to be donated by Skyline Concrete Sales Co.

After consideration the Commission finds that:

1. The proposed transfer would not be adverse to the public interest.
2. The proposed stock issue is for a proper purpose.
3. The money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings we conclude 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 consummated, the revocation of the certificate presently held by Pacific Western Industries, Inc. and the issuance of a certificate in appendix form to Sisk American Trucking.

Sisk American Trucking 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 after the effective date hereof and on or before October 31, 1975, Pacific Western Industries, Inc. may sell and transfer the cement carrier certificate of public convenience and necessity referred to in the application to Sisk American Trucking.
2. Sisk American Trucking, on or after the effective date hereof and on or before October 31, 1975, may issue and sell not exceeding 200 shares of its \$10 par value capital stock to Skyline Concrete Sales Co. for \$2,000 cash to be used for working capital.
3. Sisk American Trucking shall file with the Commission the report required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.
4. Within thirty days after the transfer Sisk American Trucking shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
5. Sisk American Trucking shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the cement carrier operations transferred to show that it has adopted or established, as its own, said 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.

6. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 5, a certificate of public convenience and necessity is granted to Sisk American Trucking 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.

7. The certificate of public convenience and necessity described in Decision No. 81599 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 5.

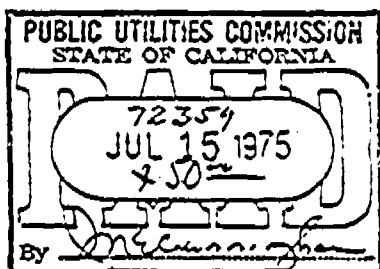
8. Sisk American Trucking shall comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.


9. Sisk American Trucking 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.



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

11. This order shall become effective when Sisk American Trucking has paid the minimum fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50.

Dated at San Francisco, California, this 15th day of JULY, 1975.




President



Commissioners

Commissioner William Symens, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Sisk American Trucking, a California corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin is authorized to operate as a cement carrier as defined in Section 214.1 of the Public Utilities Code, to and within the Counties of Fresno, Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura from any and all points of origin.

Whenever Sisk American Trucking engages other carriers for the transportation of the property of Skyline Concrete Sales Co. or Sisk American Trucking or customers or suppliers of said corporations, carrier shall not pay such other carriers rates and charges less than the rates and charges published in the carrier's tariffs on file with the Commission for transportation actually performed by such other carriers.

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. 84674, Application No. 55725.