

Decision No. 84675**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of:)GERARD L. LAMY, an individual,)
doing business as PETROLEUM)
PRODUCTS TRANSPORTATION, to sell)
and DOUDELL TRUCKING COMPANY, a)
Corporation to purchase, a)
certificate of public)
convenience and necessity)
authorizing the transportation)
of Petroleum products in bulk)
in tank truck and trailer)
equipment.)Application No. 55665
(Filed May 2, 1975)OPINION

Gerard L. Lamy, an individual, doing business as Petroleum Products Transportation (seller) requests authority to sell and transfer and Doudell Trucking Company, a California corporation (purchaser), requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier.

Said certificate was granted by Decision No. 74560, dated August 20, 1968 in Application No. 50315 and authorizes the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

Pursuant to the agreement entered into by applicants, the consideration for the sale is \$500, payable upon the Commission's approval of the sale and transfer. Applicant purchaser's balance sheet of December 31, 1974 shows assets of \$1,584,903.96 and liabilities of \$574,587.64.

Purchaser alleges it has full knowledge of the technicalities of the physical transportation of petroleum products in tanker equipment, described in the authority herein sought to be transferred, and also has full knowledge of applicable safety rules and regulations and the requirements of the Commission as well as the Department of Motor Vehicles and other regulatory bodies. It further alleges that it possesses the necessary equipment, personnel and experience and also has the financial ability to acquire such additional equipment as needed.

Seller is party to Western Motor Tariff Bureau, Inc., Agent, tariff publications. Purchaser proposes to adopt the tariffs. A copy of the application has been forwarded to the California Trucking Association and notice of the filing of the application appeared in the Commission's Daily Calendar of May 6, 1975. The applicants request relief from the provisions of Rule 37 of the Commission's Rules of Practice and Procedure which requires wide dissemination of the application. The requested relief is on the basis of Rule 87 thereof which permits deviation from the rules in order to secure just, speedy and inexpensive determination of the issues presented. In support of the application, the applicants allege that the transaction will have no adverse effect on the shipping public or any other carriers. No protests to the application have been received.

After consideration, the Commission finds that the deviation from its Rules of Practice and Procedure should be authorized; that the proposed transfer would not be adverse to the public interest and concludes that it 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 Gerard L. Lamy, an individual, and the issuance of a certificate in appendix form to Doudell Trucking Company, a corporation.

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

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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

ORDER

IT IS ORDERED that:

1. On or before December 1, 1975, Gerard L. Lamy may sell and transfer the operative rights referred to in the application to Doudell Trucking Company.
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' 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 Doudell Trucking Company, a corporation, authorizing it to operate as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision No. 74560 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. Applicants are granted a deviation from Rule 37 of the Commission's Rules of Practice and Procedure to the extent requested.

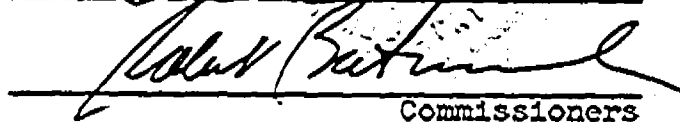
The effective date of this order shall be the date hereof.

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


President






Commissioners

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

Doudell Trucking Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

RESTRICTIONS:

Transportation of waste material under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste from the State Water Resources Control Board.

Whenever carrier engages other carriers for the transportation of property of Doudell Trucking Company, a corporation, or Doudell Enterprises, a corporation, or Diamond Sales and Service, Inc., a corporation, or customers or suppliers of said corporations, carrier shall not pay such carriers less than 100% of the published tariff rates and charges for the transportation actually performed by such other carriers.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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