

ORIGINALDecision No. 84678

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
)
 G.W.A. INCORPORATED, doing business)
 as CRESCENT TRANSPORTATION COMPANY)
 to transfer its Petroleum Irregular)
 Route Certificate of Public Con-)
 venience and Necessity, and CRESCENT)
 TRANSPORTATION CO., a corporation,)
 to acquire said Certificate and)
 property pursuant to Sections 851-)
 854 of the California Public Utili-)
 ties Code.)

Application No. 55600
 (Filed April 2, 1975)

OPINION

G.W.A. Incorporated, a California corporation, doing business as Crescent Transportation Company (seller) requests authority to sell and transfer and Crescent Transportation Co., 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 and certain equipment.

Said certificate was granted by Decision No. 44248, dated May 26, 1950 in Application No. 31157 and transferred to seller by Decision No. 58625, dated June 16, 1959 in Application No. 41111. The certificate authorizes the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California. Seller also operates pursuant to a permit issued by this Commission which is the subject of a separate transfer application.

Pursuant to the Purchase and Sale Agreement entered into by applicants on March 1, 1975, the consideration for the sale is \$2,825.00 for the certificate and \$8,000.00 for highway equipment

consisting of two tractors and two trailers. Applicant seller holds all of the outstanding stock issued by applicant purchaser. By reason of this common control, it is alleged that essentially the same corporate officers and directors which conducted the operations of seller will continue the operations of purchaser. Applicant purchaser's balance sheet of May 30, 1975 shows assets of \$17,019.67, common stockholder's equity of \$7,500 and liabilities of \$5,000. Applicant seller's balance sheet of December 30, 1974 shows assets of \$1,766,734 and liabilities of \$1,289,431.

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 April 7, 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 which permits deviation from the rules in order to secure just, speedy and inexpensive determination of the issues presented. In support thereof 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 G.W.A. Incorporated, a corporation, and the issuance of a certificate in appendix form to Crescent Transportation Co., a corporation. Inasmuch as the applicants are affiliated

an appropriate restriction will be placed on the certificate.

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

O R D E R

IT IS ORDERED that:

1. On or before October 1, 1975, G.W.A. Incorporated may sell and transfer the operative rights and property referred to in the application to Crescent Transportation Co.

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 Crescent Transportation Co., 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. 44248 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 G.W.A. Incorporated and Crescent Transportation Co. are granted a deviation from Rule 37 of the Commission's Rules of Practice and Procedure to the extent requested in the application.

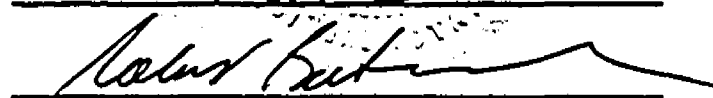
The effective date of this order shall be twenty days after the date hereof.

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


President






Commissioners

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

Crescent Transportation Co., 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 Crescent Transportation Co., a corporation, or G.W.A. Incorporated, 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.

Decision No. 84678, Application No. 55600.