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Decision No. 85196

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GOLDEN CHARIOT TRUCK LINE, INC., a corporation, for authority to issue shares of its common capital stock pursuant to Section 816-830 of the California Public Utilities Code, and to acquire Certificate of Public Convenience and Necessity and property, pursuant to Section 851, et seq., and for extension of that Certificate of Public Convenience and Necessity to operate as a Highway Common Carrier for the transportation of property in intrastate and interstate and foreign commerce, pursuant to Section 1063, and for an in lieu certificate of public convenience and necessity therefor.

Application No. 55910
(Filed September 3, 1975)

O P I N I O N

By this application, Donald H. Fritzges (Fritzges), doing business as Golden Chariot Truck Line, seeks authority to sell and transfer his certificate of public convenience and necessity to operate as a highway common carrier to Golden Chariot Truck Line, Inc. (Golden); Golden requests authority to issue 30 shares of its common stock without nominal or par value at an issue price of \$100 per share; and Golden seeks an extension of the operating rights sought to be transferred. The certificate was granted to Fritzges by Decision No. 63839 dated December 17, 1974 in Application No. 54119 and authorizes the transportation of general commodities with the usual exceptions between the San Diego Territory, on the one hand, and Borrego Springs and Campo, on the other hand, and various intermediate points and

includes a restriction which prohibits local service between points in the San Diego Territory. A certified copy of the Articles of Incorporation of Golden dated July 7, 1975 is filed with the application, and it provides for the issuance of 7,500 shares of common stock without nominal or par value. No shares of stock have been issued. The 30 shares for which the authority is sought would be issued to Fritzges and his wife, as joint tenants, for the certificate and certain equipment, and any excess in the value of the property sought to be transferred over \$3,000 would be carried by Golden as an open account obligation to the stockholders. The proposed extension would include service between San Diego, on the one hand, and Borrego Springs, Campo, and the junction of Interstate Highway 8 and Carrizo Gorge Road, on the other hand, along certain routes with 10-mile laterals. Golden also seeks authority to provide the proposed service in interstate and foreign commerce. A copy of the application has been filed with the Interstate Commerce Commission under Section 206(a)(6) of the Interstate Commerce Act, and notice thereof was published in the Federal Register of October 8, 1975.

The application states as follows: Fritzges also operates pursuant to a highway contract carrier permit. He will be the president and, with his wife, sole stockholder of Golden. He has been serving the sought extended area under his permitted authority and is familiar with the needs and requirements of the shippers and receivers in this area. If the extension is granted, Golden will be able to handle split delivery shipments to destinations in both its present certificated area and the sought additional area. Public convenience and necessity require the sought additional certificated service in both intrastate, interstate, and foreign commerce. The proposed service would be a regular daily service, Monday through Friday, and also on Saturdays if requested. Golden will adopt Fritzges' tariff

and will publish additional rates therein for the sought extension in service. A balance sheet reflecting the condition of Golden should the transfer be authorized shows assets of \$3,248, liabilities payable to Fritzges of \$248, and a shareholders' equity of \$3,000.

Notice of the filing of the application was served on competing carriers, and the application was listed on the Commission's Daily Calendar. No protests to the application have been received.

The Commission finds that:

1. The proposed transfer would not be adverse to the public interest.
2. Golden has the ability to provide the proposed additional service.
3. The proposed stock issue would be for a proper purpose.
4. The money, property, or labor to be procured or paid for by 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.
5. Public convenience and necessity require that Golden be authorized to engage in operations in intrastate commerce as proposed in the application and also require that it be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by this application.
6. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.
7. A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order.

The authorization granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred or of the value of the capital stock of Golden Chariot Truck Line, Inc.

Golden Chariot Truck Line, 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.

O R D E R

IT IS ORDERED that:

1. On or before January 31, 1976, Donald H. Fritzges, doing business as Golden Chariot Truck Line, may sell and transfer the operative rights granted to him by Decision No. 83839 and the property referred to in the application to Golden Chariot Truck Line, 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. A certificate of public convenience and necessity is granted to Golden Chariot Truck Line, 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 set forth in Appendix A of this decision.
4. The certificate of public convenience and necessity granted in Ordering Paragraph 3 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 83839, which certificate is revoked effective concurrently with the effective date of the tariff filings required by Ordering Paragraph 5(b).

5. In providing service pursuant to the authority granted by this order, purchaser shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, purchaser shall file a written acceptance of the certificate granted. Purchaser is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred twenty days after the effective date of this order, purchaser shall establish the authorized service and amend or file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) 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.

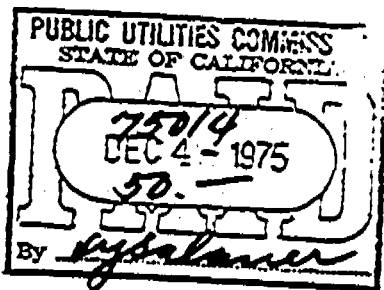
- (f) Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

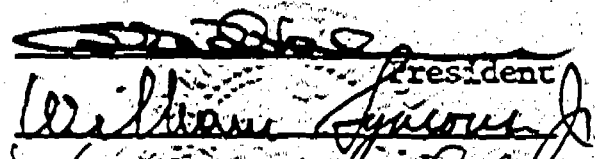
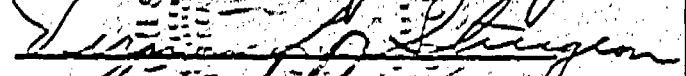


6. Purchaser, on or after the effective date hereof and on or before January 31, 1976, for the purpose specified in this proceeding, may issue not exceeding 30 shares of its common stock without nominal or par value at an issue price of \$100 per share.

7. 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.

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

Dated at San Francisco, California, this 2nd day of DECEMBER, 1975.




President



Commissioners

Golden Chariot Truck Lines, Inc., a California corporation, 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 as follows:

1. Between San Diego and Borrego Springs, serving all intermediate points on Interstate Highway 15, County Road S-4, State Highways 67, 78 and 79, and County Roads S-3 and S-22, and all points within 10 miles thereof.
2. Between San Diego and Campo, serving all intermediate points on State Highway 94, and all points within 10 miles thereof.
3. Between San Diego and the junction of Interstate Highway 8 and Carrizo Gorge Road, serving all intermediate points on Interstate Highway 8 and all points within 10 miles thereof.

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

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment 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

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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.
8. Logs.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Explosives subject to U. S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

(END OF APPENDIX A)

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