

Decision No. 85315**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Belt Cement)
 Lines, Inc., a corporation, and)
 C.F.O. Enterprises, Inc., a corpo-)
 ration, for the sale, purchase,)
 and transfer of portion of cement)
 common carrier certificate.)

Application No. 56002
 (Filed October 14, 1975)

OPINION

Belt Cement Lines, Inc., a California corporation, (seller), requests authority to sell and transfer, and C.F.O. Enterprises, Inc., a California corporation, (purchaser), requests authority to purchase and acquire that portion of a certificate of public convenience and necessity authorizing operations as a cement carrier to and within all points and places in the County of San Bernardino.

The certificate was granted by Decision No. 35199, dated December 2, 1975, in Application No. 55927, and authorizes the transportation of cement from any and all points of origin to and within the Counties of Inyo, Merced, Mono, San Bernardino, Santa Barbara and Ventura. The agreed consideration is \$1,000, payable in full following the Commission's final order of approval of the requested transfer. Applicant seller has submitted copies of freight bills indicating it has exercised its cement authority within the last year.

Applicant purchaser presently holds a cement carrier certificate issued pursuant to Resolution No. 13823, Sub 1, dated June 23, 1964, in Application No. 46460, which authorizes operations to and within the Counties of Kern, Los Angeles, San Luis Obispo, Santa Barbara, Tulare and Ventura. It also holds permitted highway carrier operating authorities. Purchaser's financial statement as of June 30, 1975 shows assets of \$149,128, liabilities of \$60,245 and net worth of

\$38,943. Highway equipment to be operated includes three tractors and four trailers.

Applicant seller participates in Western Motor Tariff Bureau, Inc., Agent, Local Freight Tariff No. 17 (Cal.P.U.C. No. 21) which applicant purchaser proposes to adopt effective with consummation of the proposed transfer.

Applicants have requested relief from the provisions of the Commission's Rules of Practice and Procedure which require that copies of the application be widely disseminated. It is alleged that copies of the application were mailed to parties known to have an interest in the sale and transfer of cement carrier certificates. Notice of the filing of the application was made in the Commission's Daily Calendar of October 16, 1975. It is further alleged that the deviation is justified to secure speedy, economical and efficient relief. No protests to the application have been received.

The Commission finds that the requested 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 the application should be granted. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificates presently held by Belt Cement Lines, Inc., and C.F.O. Enterprises, Inc., and the issuance of certificates in appendix form to Belt Cement Lines, Inc., and C.F.O. Enterprises, Inc.

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

Applicants are 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 May 1, 1976, Belt Cement Lines, Inc., may sell and transfer the operative rights referred to in the application to C.F.O. Enterprises, Inc.
2. Within thirty days after the transfer, the applicants shall file with the Commission written acceptance of the certificates and a true copy of the bill of sale or other instrument of transfer.
3. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the authority granted by this decision to show that they have adopted or established, as their 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 shall comply with the Commission's General Order No. 117-Series. Failure to comply with the provisions of the General Order No. 117-Series may result in 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, certificates of public convenience and necessity are granted to Belt Cement Lines, Inc., and C.F.O. Enterprises, Inc., authorizing them to operate as cement carriers, as defined in Section 214.1 of the Public Utilities Code, between the points set forth in Appendices A and B, attached hereto and made a part hereof.
5. The certificates of public convenience and necessity granted to Belt Cement Lines, Inc., by Decision No. 85199 and to

C.F.O. Enterprises, Inc. by Resolution No. 13823, Sub 1, are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

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


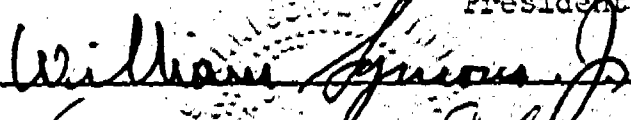
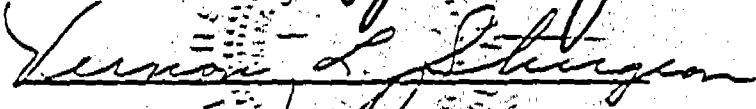

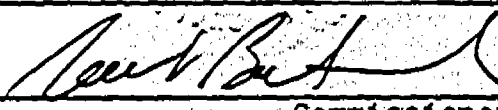
7. Applicants shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, annual reports of their operations on such form, content, and number of copies as the Commission from time to time, shall prescribe.

8. Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants elect not to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

9. Applicants are granted a deviation from 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 6th day of January, 1976.


President




Commissioners

C.F.O. Enterprises, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a cement carrier as defined in Section 214.1 of the Public Utilities Code, from any and all points of origin to all points and places within the Counties of Kern, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara, Tulare, and Ventura, subject to the following restriction:

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. 85315, Application No. 56002.

Belt Cement Lines, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a cement carrier as defined in Section 214.1 of the Public Utilities Code, from any and all points of origin to all points and places within the Counties of Inyo, Merced, Mono, Santa Barbara and Ventura, subject to the following restriction:

This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

Decision No. 85315, Application No. 56002.