

Decision 84 G7 127

JUL 18 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
REPUBLIC INDUSTRIES, INC., to
transfer a highway common carrier
certificate of public convenience
and necessity to RISS INTERNATIONAL
CORPORATION.

Application 84-04-039
(Filed April 6, 1984)

O P I N I O N

Republic Industries, Inc. (Republic), a Delaware corporation doing business as Riss Transportation Co., holds a certificate of public convenience and necessity issued under Public Utilities (PU) Code § 1063 by Decision (D.) 60454 and D.61920 in Application (A.) 41778, and acquired by Republic by D.83490 in A.55063. The certificate authorizes the transportation of general commodities between Novato and Red Bluff on the north, and the California-Mexico border on the south.

By this application Republic requests authority to transfer the above certificate to Riss International Corporation (Riss), a commonly owned and controlled affiliate, doing business as Riss Transportation Co. Riss is a Delaware corporation qualified to transact business in California. Notice of filing of the application appeared in the Commission's Daily Transportation Calendar of April 12, 1984. No objection to the application has been received.

Republic also holds a certificate of public convenience and necessity issued under PU Code § 1063.5, as well as highway contract carrier and agricultural carrier permits under File T-96,326. Requests to transfer these authorities are the subjects of separately filed applications.

The principal reason for the proposed transfer is that applicants have determined that it is in their best interest that all trucking operations be consolidated in the Riss entity.

The application includes a list of 321 units of motor vehicle equipment, currently employed by Republic, which will be used by Riss in performing the proposed service.

A balance sheet included with the application and showing Riss' financial position as of December 31, 1983 indicates total current assets of \$15,234,274, current liabilities of \$7,426,488, net fixed assets of \$11,367,823, long-term liabilities of \$6,731,122, and net assets of \$12,899,487.

Findings of Fact

1. Republic holds a certificate of public convenience and necessity, issued under PU Code § 1063, to operate as a highway common carrier, as defined in PU Code § 213.
2. Republic and Riss are commonly owned and controlled.
3. Republic and Riss desire to transfer the above certificate from Republic to Riss.
4. Riss possesses the financial responsibility necessary to conduct the service presently performed by Republic.
5. A public hearing is not necessary.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Republic Industries, Inc., a Delaware corporation, may transfer the operative rights requested in the application to Riss International Corporation, a Delaware corporation. This authority shall expire if not exercised by September 30, 1984, or within such additional time as the Commission may authorize.

2. Riss International Corporation shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue Republic's tariffs. The tariffs shall not be effective before the date of transfer, nor before 5 days' notice is given to the Commission.
- c. Comply with General Orders Series 80, 100, 123, and 147, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Comply with General Order Series 102 and 130. If Riss elects to engage subhaulers, it shall have the required bond on file, and applicant shall engage only highway carriers who hold appropriate operating authority granted by this Commission.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Riss International Corporation, a Delaware corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points and over the routes listed in Appendix A.

4. The certificate of public convenience and necessity granted by D.83490 is revoked on the effective date of the tariffs.

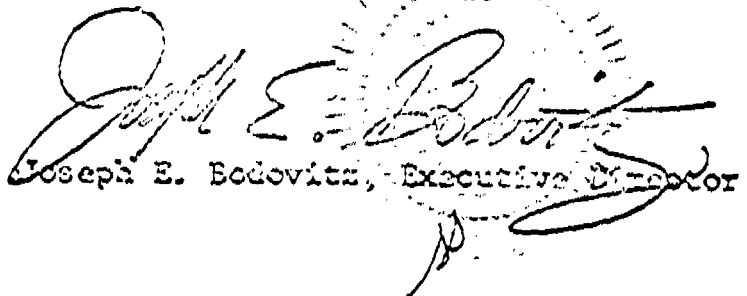
5. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated JUL 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS' COURT.


Joseph E. Bodovitz, Executive Director

Riss International 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, except uncrated^{1/} used household goods, livestock and fresh fruits and vegetables:

- I. Between all points in the San Francisco Territory as described in Note A.
- II. Between all points in the Los Angeles Basin Territory as described in Note B.
- III. Between all points on or within 20 miles of the following routes:
 1. U.S. Highway 101 between Novato and the northern boundary of the San Francisco Territory, and between the southern boundary of the San Francisco Territory and the northern boundary of the Los Angeles Basin Territory, each segment inclusive.
 2. State Highway 37 between its junction with U.S. Highway 101, near Ignacio, and its junction with Interstate Highway 80, near Vallejo, inclusive.

^{1/} Uncrated means not securely packed in salesman'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).

RISS INTERNATIONAL CORPORATION
(a Delaware corporation)
doing business as
RISS TRANSPORTATION CO.

3. State Highway 121 between Napa and its junction with State Highway 37 at Sears Point, inclusive.
4. State Highway 29 between Napa and its junction with Interstate Highway 80, near Vallejo, inclusive.
5. State Highway 12 between Schellville and its junction with State Highway 99, near Lodi, inclusive.
6. Interstate Highway 80 between the eastern boundary of the San Francisco Territory and the California-Nevada State Line, inclusive.
7. State Highway 113 between its junction with Interstate Highway 80, near Davis, and its junction with State Highway 99 at Tudor, inclusive.
8. State Highway 70 between Marysville and its junction with U.S. Highway 395 at Hallelujah Junction, inclusive.
9. State Highway 24 between the eastern boundary of the San Francisco Territory and its junction with State Highway 4, north of Concord, inclusive.
10. State Highway 4 between its junction with Interstate Highway 80, near Pinole, and Stockton, inclusive.
11. State Highway 160 between its junction with State Highway 4, near Oakley, and Sacramento, inclusive.
12. State Highway 16 between Sacramento and its junction with Interstate Highway 5, northwest of Sacramento, inclusive.

Issued by California Public Utilities Commission.

Decision 84 67 127 , Application 84-04-039.

13. Interstate Highway 89 between its junction with State Highway 70 at Blairsden and its junction with U.S. Highway 50 at Tahoe Valley, inclusive.
14. Interstate Highway 5 between Red Bluff and Sacramento; between Stockton and its junction with Interstate Highway 205; between Wheeler Ridge and the northern boundary of the Los Angeles Basin Territory; and between the southern boundary of the Los Angeles Basin Territory and the International Border with Mexico; each segment inclusive.
15. State Highway 99 between Red Bluff and its junction with Interstate Highway 5 at Wheeler Ridge, inclusive.
16. Interstate Highway 580 between the eastern boundary of the San Francisco Territory and its junction with Interstate Highway 205, inclusive.
17. Interstate Highway 205 between its junction with Interstate Highway 580 and its junction with Interstate Highway 5, inclusive.
18. U.S. Highway 50 between Sacramento and the California-Nevada State Line, inclusive.
19. State Highway 20 between Williams and its intersection with Interstate Highway 80, near Yuba Gap, inclusive.
20. State Highway 49 between Placerville and Sattley, inclusive.
21. State Highway 33 between its junction with Interstate Highway 5, near Vernalis, and Ventura, inclusive.

22. State Highway 166 between Maricopa and its junction with State Highway 99, near Mettler Station, inclusive.
23. State Highway 152 between its junction with State Highway 1, near Watsonville, and its junction with State Highway 99 at Fairmead, inclusive.
24. State Highway 132 between Vernalis and Modesto, inclusive.
25. State Highway 120 between its junction with Interstate Highway 5, and Manteca, inclusive.
26. State Highway 119 between Taft and Greenfield, inclusive.
27. State Highway 46 between Paso Robles and Famoso, inclusive.
28. State Highway 58 between Bakersfield and Barstow, inclusive.
29. Interstate Highway 15 between Barstow and the California-Nevada State Line, inclusive.
30. Interstate Highway 10 between the eastern boundary of the Los Angeles Basin Territory and the California-Arizona State Line, inclusive.
31. State Highway 86 between Indio and the International Border with Mexico, inclusive.
32. State Highway 198 between its junction with State Highway 33, northeast of Coalinga, and its junction with State Highway 65, north of Exeter, inclusive.

33. State Highway 65 between its junction with State Highway 198 and its junction with State Highway 99, north of Bakersfield, inclusive.
34. U.S. Highway 395 between Hallelujah Junction and the California-Nevada State Line; between the California-Nevada State Line, near Topaz Lake, and its junction with Interstate Highway 15, south of Adelanto; Interstate Highway 15 (U.S. Highway 395) between its junction with U.S. Highway 395, and the northern boundary of the Los Angeles Basin Territory; and between the southern boundary of the Los Angeles Basin Territory and San Diego; each segment inclusive.
35. State Highway 14 between its junction with Interstate Highway 5 south of Newhall and its junction with U.S. Highway 395, northwest of Inyokern, via Rosamond, inclusive.
36. U.S. Highway 6 between the California-Nevada State Line, north of Benton, and Bishop, inclusive.
37. Interstate Highway 40 between Barstow and its junction with U.S. Highway 66, near Ludlow; and between its junction with U.S. Highway 66, east of Fenner, and the California-Arizona State Line; each segment inclusive.
38. U.S. Highway 66 between its junctions with Interstate Highway 40, near Ludlow, and east of Fenner, inclusive.

Restrictions:

1. No service is authorized to or from points along Interstate Highway 15 between Cajon Junction and Barstow, inclusive.
2. Mechanical duplications and overlaps which occur in describing the operating authority granted herein shall not be construed as conferring more than one operating right to transport the same commodities between the same points.

NOTE A

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly

Issued by California Public Utilities Commission.

Decision 84 67 127 . Application 84-04-039.

along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northbeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated

Issued by California Public Utilities Commission.

Decision 84 C7 127 , Application 84-04-039.

community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

(END OF APPENDIX A)