

ORIGINAL

Decision 82 01 45 JAN 5 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EDWIN LEE SIMPSON)
 dba SIMPSON TRUCKING to transfer)
 his highway common carrier cer-)
 tificate and LLOYD M. JANTZ dba)
 JANTZ TRUCKING, a California)
 Individual to acquire said)
 certificate.)

Application 60891
 (Filed September 11, 1981;
 amended October 16, 1981)

O P I N I O N

Edwin Lee Simpson (Transferor), an individual, requests authority to transfer and Lloyd M. Jantz (Transferee), an individual, doing business as Jantz Trucking, seeks authority to acquire a certificate of public convenience and necessity as a highway common carrier.

The certificate was issued under Public Utilities (PU) Code Section 1063.5 in Application GC 9662. It authorizes state-wide transportation of general commodities with the usual exclusions. Under PU Code Section 1064.5, these types of

certificates may not be transferred for a period of 5 years except to the extent of lawfully performed actual transportation operations. Transferor has certified by means of an amendment to the application to operations in the Counties of:

Alameda	Merced	San Luis Obispo
Amador	Modoc	San Mateo
Butte	Monterey	Santa Barbara
Calaveras	Napa	Santa Clara
Contra Costa	Nevada	Santa Cruz
El Dorado	Orange	Shasta
Fresno	Placer	Solano
Humboldt	Plumas	Sonoma
Imperial	Riverside	Stanislaus
Inyo	Sacramento	Sutter
Kern	San Benito	Tulare
Los Angeles	San Bernardino	Tuolumne
Madera	San Diego	Ventura
Marin	San Francisco	Yolo
Mendocino	San Joaquin	Yuba

Transferor requests that the portion of the certificate not transferred be revoked.

Transferor had previously incorporated his business and had filed Application 60666 to transfer the certificate to the corporation (Agristruction, Inc.) on a continuity basis. The application was listed in Resolution 18136, dated October 6, 1981, which authorized the transfer. However, that transaction was not completed because Transferor now desires to withdraw from the trucking business and transfer the certificate at no cost to the Transferee in this proceeding.

Transferee holds a highway contract carrier permit and a dump truck carrier permit under File T-127,230. He has included, as part of the application, a financial statement as of August 14, 1981, showing a net worth of \$390,817.

A copy of the application and its amendment was furnished to the California Trucking Association. Notices of the filing of the application and the amendment appeared in the Commission's Daily Calendars of September 17, 1981 and October 20, 1981, respectively. No protests have been received.

Findings of Fact

1. Transferee has the ability, including financial ability, to conduct the proposed operations.
2. The order which follows has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
3. A public hearing is not necessary.

Conclusion of Law

The proposed transfer is not adverse to 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. Edwin Lee Simpson, an individual, may transfer the operative rights specified in the application to Lloyd M. Jantz, an individual. This authority shall expire if not exercised by May 1, 1982, or within such additional time as the Commission may authorize.

2. Transferee 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 Transferor'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, and 104, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Lloyd M. Jantz, an individual, authorizing him to operate as a highway common carrier, as defined in PU Code Section 213, within and between the points listed in Appendix A.

4. The certificate of public convenience and necessity granted in Application GC 9662 is revoked on the effective date of the tariffs.

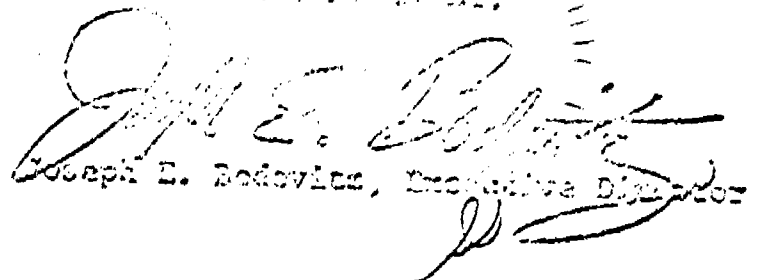
This order becomes effective 30 days from today.

Dated JAN 5 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. CRAVELLE
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

I HEREBY CERTIFY THIS DECISION
WAS ADOPTED BY THE BOARD
COMMISSIONERS AND STAFF.


Joseph E. Rodovits, Executive Director

Appendix A

Lloyd M. Jantz
(an individual)
doing business as
JANTZ TRUCKING

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Lloyd M. Jantz, an individual, 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 Public Utilities Code Section 213 for the transportation of general commodities as follows:

Within and between all points in the Counties of:

Alameda	Merced	San Luis Obispo
Amador	Modoc	San Mateo
Butte	Monterey	Santa Barbara
Calaveras	Napa	Santa Clara
Contra Costa	Nevada	Santa Cruz
El Dorado	Orange	Shasta
Fresno	Placer	Solano
Humboldt	Plumas	Sonoma
Imperial	Riverside	Stanislaus
Inyo	Sacramento	Sutter
Kern	San Benito	Tulare
Los Angeles	San Bernardino	Tuolumne
Madera	San Diego	Ventura
Marin	San Francisco	Yolo
Mendocino	San Joaquin	Yuba

Transferred from Certificate GC 9662, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

Decision 82 01 45, Application 60891.

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institution furniture and fixtures.
2. Ordinary livestock.
3. Petroleum or petroleum products in tank trucks or tank trailers.
4. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
5. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.

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

(END OF APPENDIX A)

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