

FEB - 4 1982

82 02 053

Decision

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of RYEL, INC., doing business as)
WESTERN CEMENT TRANSPORT, to sell)
and transfer a certificate of)
public convenience and necessity)
authorizing the transportation of)
cement to COMMERCIAL TRANSFER,)
INC., a California corporation.)

Application 61007
(Filed October 26, 1981)

O P I N I O N

Ryel, Inc. (Ryel), doing business as Western Cement Transport, and Commercial Transfer, Inc. (CTI) jointly apply for authorization under Public Utilities (PU) Code § 851 for Ryel to sell and CTI to purchase a portion of Ryel's certificate of public convenience and necessity as a cement carrier. Ryel presently holds a certificate granted to it by this Commission in Decision (D.) 91996 in Application (A.) 59431 authorizing the transportation of cement from any point to any point in the following counties:

- | | | |
|--------------|---------------|-----------------|
| Alameda | Marin | San Luis Obispo |
| Butte | Mariposa | San Mateo |
| Contra Costa | Merced | Santa Clara |
| Fresno | Napa | Sonoma |
| Kern | Orange | Stanislaus |
| Kings | Sacramento | Tulare |
| Los Angeles | San Francisco | Ventura |
| Madera | San Joaquin | Yolo |

Ryel operates under rates filed by Western Motor Tariff Bureau, Inc.

CTI presently conducts operations under a certificate of public convenience and necessity issued by this Commission in D.92126 in A.59432. Its certificate authorizes the transportation of cement from any point to any point in the following counties:

| | | |
|--------------|-----------------|-------------|
| Alameda | Mendocino | Santa Clara |
| Alpine | Merced | Santa Cruz |
| Butte | Monterey | Shasta |
| Calaveras | Napa | Siskiyou |
| Colusa | Placer | Solano |
| Contra Costa | Plumas | Sonoma |
| El Dorado | Sacramento | Stanislaus |
| Fresno | San Benito | Tehama |
| Kern | San Bernardino | Tulare |
| Kings | San Francisco | Yolo |
| Madera | San Joaquin | Yuba |
| Marin | San Luis Obispo | |
| Mariposa | San Mateo | |

CTI also holds permit authority under File T-77,228.

Ryel and CTI have agreed that CTI should purchase the portion of Ryel's certificate which authorizes transport of cement between all points in the following counties: Los Angeles, Orange, and Ventura. The purchase price for this portion of the certificate is to be \$4,500. \$500 of this has been paid as a deposit; the remainder is to be paid 30 days after an order of this Commission authorizing the transfer becomes final.

CTI asserts that it is in a financial position and has the operating equipment to conduct the expanded operations. If it is necessary to purchase additional equipment to conduct the proposed operations, CTI will be able to do so.

Ryel alleges that it has determined, in its own best interests, to cease transporting cement in the specified counties and that the contract was entered into at arm's length between the parties. CTI contends that it is familiar with the transportation of cement and is able to continue the service previously provided by Ryel. Both applicants claim that the transfer would be in the public interest.

The application was served by mail on California Trucking Association and major cement shippers. Notice of the application appeared in the Commission's Daily Calendar of October 27, 1981. No protests have been received.

Findings of Fact

1. CTI has the equipment and financial resources to conduct the proposed operation.

2. Public convenience and necessity require the service performed by Ryel should be continued.

3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

4. A public hearing is not necessary.

Conclusion of Law

The proposed transfer is not adverse to the public interest and should be authorized.

This authorization is not a finding of the value of the rights and properties to be transferred.

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. Ryel, Inc., a California corporation, may sell and transfer the operative rights and property specified in the application to Commercial Transfer, Inc., a California corporation. This authorization shall expire if not exercised by July 1, 1982, or within such additional time as the Commission may authorize.

2. Applicants shall:

- a. File with the Transportation Division written acceptances of the certificates and copies of the bill of sale or other transfer documents within 30 days after transfer.
- b. Amend or reissue their 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 100, 104, and 117, 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 84 (collect-on-delivery shipments). If applicants elect not to transport collect-on-delivery shipments, they shall file the tariffs required by that General Order.

3. When the transfer is completed, and on the effective date of the tariffs, certificates of public convenience and necessity are granted to Ryel, Inc. and Commercial Transfer, Inc., authorizing them to operate as cement carriers, as defined in PU Code § 214.1, between the points set forth in Appendixes A and B.

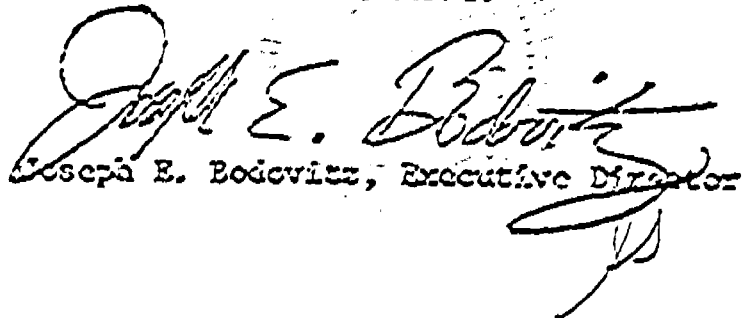
4. The certificates of public convenience and necessity granted by D.91996 and 92126 are revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated FEB 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. CRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS, TODAY.


Joseph E. Bodovitz, Executive Director

RYEL, INC.
(a California corporation)
doing business as
WESTERN CEMENT TRANSPORT

Ryel Inc., a California corporation, 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 PU Code Section 214.1 from any and all points of origin to and within all points in the following counties subject to the restrictions shown below:

Alameda
Butte
Contra Costa
Fresno
Kern
Kings
Madera

Marin
Mariposa
Merced
Napa
Sacramento
San Francisco
San Joaquin

San Luis Obispo
San Mateo
Santa Clara
Sonoma
Stanislaus
Tulare
Yolo

RESTRICTIONS

1. Whenever Ryel, Inc., engages other carriers for the transportation of the property of Ryel, Inc., or Sequoia Rock Co. or Vicon, or subsidiaries or affiliates, or customers or suppliers of those corporations and/or companies, subsidiaries or affiliates, Ryel, Inc. shall not pay such other carriers rates and charges less than 100% of the rates and charges published in Ryel, Inc.'s tariffs on file with the Commission for the transportation actually performed by such other carriers.

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

(END OF APPENDIX A)

Commercial Transfer, Inc., a California corporation, 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 and within all points of destination in the following counties, subject to the restriction shown below:

| | | |
|--------------|-----------------|-------------|
| Alameda | Mendocino | Santa Clara |
| Alpine | Merced | Santa Cruz |
| Butte | Monterey | Shasta |
| Calaveras | Napa | Siskiyou |
| Colusa | Orange | Solano |
| Contra Costa | Placer | Sonoma |
| El Dorado | Plumas | Stanislaus |
| Fresno | Sacramento | Tehama |
| Kern | San Benito | Tulare |
| Kings | San Bernardino | Ventura |
| Los Angeles | San Francisco | Yolo |
| Madera | San Joaquin | Yuba |
| Marin | San Luis Obispo | |
| Mariposa | San Mateo | |

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 82 02 053, Application 61007.