

MAR 2 - 1982

ORIGINAL

Decision 82 03 034

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JAY SHETLER, (an individual or)
 corporation) to acquire, and)
 INLAND TRUCK CO., an (individual)
 or corporation) to transfer a)
 Common Carrier Certificate T-10-918))
 (and certain property pursuant to)
 Sections 851, et seq., of the)
 California Public Utilities Code).)

Application 61036
(Filed November 4, 1981)

O P I N I O N

Phillip Murray (Seller), an individual doing business as Inland Truck Co., requests authority to sell, and Jay M. Shetler (Purchaser), an individual doing business as Gladjay Transport, proposes to purchase a highway common carrier certificate of public convenience and necessity.

The certificate was issued under Public Utilities (PU) Code Section 1063.5 in Application GC 1798, and authorizes the statewide transportation of general commodities, with the usual exclusions. Under PU Code Section 1064.5, during the first 5 years after issuance, this type of certificate may only be transferred to the extent of lawfully performed actual transportation operations.

Seller has certified to operations under the certificate in the Counties of:

Alameda	Mariposa	San Mateo
Butte	Mendocino	Santa Barbara
Colusa	Merced	Santa Clara
Contra Costa	Monterey	Santa Cruz
El Dorado	Napa	Sonoma
Fresno	Orange	Stanislaus
Imperial	Riverside	Sutter
Inyo	Sacramento	Tehama
Kern	San Bernardino	Trinity
Kings	San Diego	Tulare
Lake	San Francisco	Ventura
Los Angeles	San Joaquin	Yolo
Madera	San Luis Obispo	Yuba

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

Seller also held permitted authorities as a highway contract carrier, agricultural carrier, and heavy-specialized carrier under File T-10,918. These permits were transferred to Purchaser by separate application.

Purchaser's balance sheet of December 30, 1981, filed as part of the application, shows a net worth of \$96,565.

The agreed purchase price for the certificate is \$1,000 cash.

A copy of the application has been furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of November 6, 1981. No protests have been received.

Findings of Fact

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

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. Phillip Murray, an individual, may sell and transfer the operative rights specified in the application to Jay M. Shetler, an individual. This authority shall expire if not exercised by July 1, 1982, or within such additional time as the Commission may authorize.
2. Purchaser 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 Seller'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, 104, and 147, 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 Jay M. Shetler, an individual, authorizing him to operate as a highway common carrier, as defined in PU Code Section 213, between the points listed in Appendix A.

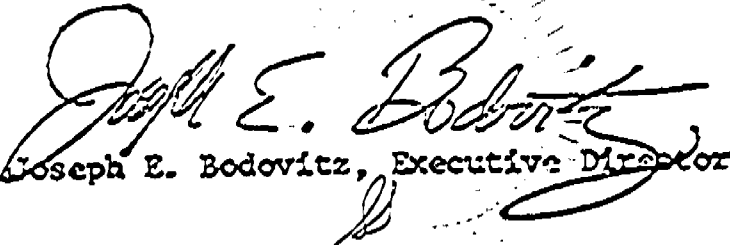
4. The certificate of public convenience and necessity granted in Application GC 1798 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated MAR 2 1982 at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
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

Appendix A

JAY M. SHETLER
(an individual)

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Jay M. Shetler, 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 within and between the following counties:

Alameda	Mariposa	San Mateo
Butte	Mendocino	Santa Barbara
Colusa	Merced	Santa Clara
Contra Costa	Monterey	Santa Cruz
El Dorado	Napa	Sonoma
Fresno	Orange	Stanislaus
Imperial	Riverside	Sutter
Inyo	Sacramento	Tehama
Kern	San Bernardino	Trinity
Kings	San Diego	Tulare
Lake	San Francisco	Ventura
Los Angeles	San Joaquin	Yolo
Madera	San Luis Obispo	Yuba

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.

Transferred from Certificate GC 1798, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

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Appendix A

JAY M. SHETLER
(an individual)

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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)

Transferred from Certificate GC 1798, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

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