

ORIGINAL

Decision 82 03 0S3 MAR 16 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
GOLD TRANSPORTATION, INC., a California)
corporation, to acquire, and ROBERT LEE)
POWELL, an individual to transfer a)
Common Carrier Certificate #T-121019)
and certain property pursuant to)
Sections 851, et seq, of the California)
Public Utilities Code.)

Application 61133
(Filed December 14, 1981)

O P I N I O N

This joint application of Gold Transportation, Inc. (Gold), a California corporation and Robert Lee Powell requests authority under Public Utilities (PU) Code Section 851 to transfer a highway common carrier certificate from Powell to Gold. Gold is a recently formed corporation wholly owned by Powell. Powell presently holds the following operating authorities: (1) Highway Contract Carrier Permit in File T-121,019; (2) A Highway Common Carrier Certificate issued under PU Code Section 1063.5 in Application GC 4342 on April 30, 1980. This application seeks transfer of the highway common carrier certificate only.

Powell's balance sheet as of August 31, 1981 shows total assets of \$492,000 with net worth of \$410,500. The balance sheet of Gold as of August 31, 1981 shows total assets of \$11,458.95 and a total net worth of \$8,406.46.

Transfer of Powell's highway common carrier certificate No. GC-4342 is exempt from the provisions of PU Code Section 1064.5 since there will be no change in beneficial ownership in the certificate.

Powell has adopted the Commission's Transition Tariff 2. Gold states that it plans to adopt such tariff. Applicants state that the granting of this application will have no significant effect upon the quality of the environment.

A copy of the application was furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of December 17, 1981. No protests have been received.

Findings of Fact

1. Powell currently operates under a highway common carrier certificate as discussed above.
2. Powell recently formed a corporation wholly owned by himself.
3. Powell proposes to transfer his highway common carrier certificate to the corporation.
4. The proposed transfer would not be adverse to the public interest.
5. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.
6. A public hearing is not necessary.

Conclusions of Law

1. The proposed transfer of Powell's highway common carrier certificate is not a transfer subject to PU Code Section 1064.5.
2. The application should be granted.
3. Relief from the provisions of Rule 21(f) of the Commission's Rules of Practice and Procedure which require wide distribution of the application should be granted.

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.

Q R D E R

IT IS ORDERED that:

1. On or before September 30, 1982 Robert L. Powell may transfer to Gold Transportation, Inc., a California corporation, the operating authority issued by PU Code Section 1063.5 in Application GC-4342.

2. Within 30 days after the transfer Gold Transportation, Inc. shall file with the Commission written acceptance of the certificate and a true copy of the instrument of transfer.

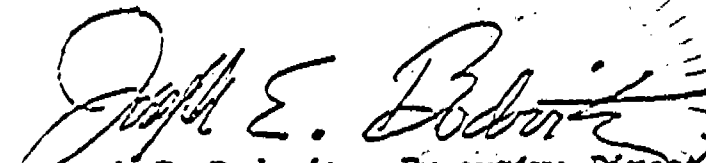
3. Gold Transportation, Inc. shall amend or reissue the adoption notice on file with the Commission naming rates and rules governing the common carrier operations transferred to show that it has adopted or established as its own the rates and rules. The adoption notice filings shall be made effective not earlier than 5 days after the effective date of this order on not less than 5 days notice to the Commission and the public, and the effective date of the adoption notice filings shall be concurrent with the transfer. The adoption notice filings made under this order shall comply in all respects with the regulations governing the construction and filing of adoption notices set forth in the Commission's General Order Series 80 or 147. Failure to comply with the provisions of General Order Series 80 or 147 may result in the cancellation of the operating authority granted by this decision.

4. Relief from Rule 21(f) of the Commission's Rules of Practice and Procedure, is granted to the extent requested in the application. This order becomes effective 30 days from today.

Dated MAR 16 1982, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director