

ORIGINAL

Decision S2 03 007 MAR 16 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PUENTE READY MIX, INC., a California
Corporation, to purchase, and DEE JAY
TRANSPORTATION, INC., a California
Corporation, to sell a cement carrier
certificate authorizing service to
and within the Counties of Kern, Los
Angeles, Orange, Riverside, San
Bernardino, San Diego, and Santa
Clara in the State of California.

Application 61072
(Filed November 23, 1981)

O P I N I O N

Dee Jay Transportation, Inc. (transferor) has applied to sell a certificate to operate as a cement carrier in seven of the eight California counties it has authority to serve to Puente Ready Mix, Inc. (transferee). Both applicants are California corporations.

Transferor has its business in Victorville, California, where it transports cement by motor vehicle, in intrastate commerce, as a cement carrier under a cement carrier certificate issued in Resolution 13821, dated June 23, 1964. This certificate authorizes the transportation of cement to and within the Counties of Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Santa Clara. All of the certificate is to be transferred except the authority to serve Inyo County. Transferor submitted a copy of a freight bill dated October 19, 1981 to show that its operating authority has been exercised within the past year.

Transferor participates in the rates set forth in Western Motor Tariff Bureau, Inc., Agent Local Freight Tariff 17 (Cal PUC 21), M. J. Nicholas, Issuing Officer. Transferee proposes to adopt the tariff of transferor. The equipment list and financial statement of transferee are attached to the application. The purchase price is \$21,000, to be paid according to the terms of the agreement of parties attached to the application.

Applicants request that the transfer be granted ex parte. The application was served on the California Trucking Association (CTA), nine cement manufacturing companies, and four cement carriers. It is alleged that a summary of the application will be published in CTA's magazine, which should give adequate notice to all interested carriers. It is requested that a deviation from Rule 37(a) of the Rules of Practice and Procedure be permitted on the basis of the expense of mailing the application and attached exhibits to more than 100 California cement carriers. Rule 37(a) requires service of applications on all competing carriers. Notice of the filing of the application was published in the Commission's Daily Calendar on November 30, 1981. No protests have been filed.

Findings of Fact

1. A public hearing is not necessary.
2. The proposed transfer will not be adverse to the public interest.
3. Not all of the operating authority in transferor's certificate is to be transferred. We will therefore issue two new certificates to properly divide the existing authority and will revoke the old certificate.
4. Transferor will receive a new certificate authorizing operations in Inyo County.

5. Transferee will receive a certificate authorizing operations for Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Santa Clara Counties.

Conclusions of Law

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

2. The request to deviate from Rule 37(a) is reasonable and 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.

O R D E R

IT IS ORDERED that:

1. Dee Jay Transportation, Inc. may sell and transfer the operative rights and property specified in the application to Puente Ready Mix, Inc. 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 tariff provisions 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 Puente Ready Mix, Inc. and Dee Jay Transportation, Inc., authorizing them to operate as cement carriers, as defined in Public Utilities Code § 214.1, between the points set forth in Appendixes A and B, respectively.

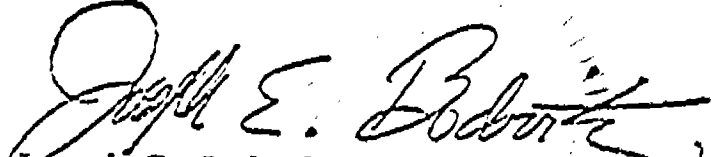
4. The certificate of public convenience and necessity issued in Resolution 13821, dated June 23, 1964, is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated MAR 16 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. CRAVELLE
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

Puente Ready Mix, Inc., a 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, to any and all points within the Counties of Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Santa Clara, from any and all points of origin, subject to the following restrictions:

1. This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.
2. Whenever Puente Ready Mix, Inc. engages other carriers for the transportation of its own property or the property of its subsidiaries or affiliates or customers or suppliers, it shall not pay the carriers so engaged less than 100% of the rates and charges published in the tariffs of Puente Ready Mix, Inc. on file with the Commission.

(END OF APPENDIX A)

T/DML/ARM/WPSC

Appendix B

DEE JAY TRANSPORTATION, INC. . Original Page 1
(a California corporation)

Dee Jay Transportation, Inc., a 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, to any and all points within the County of Inyo from any and all points of origin, subject to the following 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 the California Public Utilities Commission.

Decision 82 03 037, Application 61072.