

ORIGINAL

Decision 82 04 055 APR - 6 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Gipson Trucking Co., Inc. )  
(corporation) to acquire, and )  
OTHELLO GIPSON, an individual, )  
to transfer a Common Carrier )  
Certificate \_\_\_\_\_ (and )  
certain property pursuant to )  
Sections 851, et seq., of the )  
California Public Utilities Code.)

Application 61125  
(Filed December 10, 1981)

O P I N I O N

Othello Gipson (Transferor), an individual doing business as Gipson Trucking Co., requests authority to transfer, and Gipson Trucking Co., Inc. (Transferee), a California corporation, seeks to acquire 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 8233, and authorizes the statewide transportation of general commodities, with the usual exclusions. Under P.U. Code Section 1064.5, during the first five years after issuance, this type of certificate may only be transferred to the extent of lawfully performed actual transportation operations as a prime carrier. All of the stock of Transferee is held by Essex Harris. Thus, the proposed transfer involves a

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change of ownership and is subject to the provisions of PU Code Section 1064.5. Transferor has certified to operations under the certificate in the Counties of:

Alameda	Mariposa	San Luis Obispo
Colusa	Merced	San Mateo
Contra Costa	Orange	Santa Barbara
Fresno	Riverside	Santa Clara
Imperial	Sacramento	Santa Cruz
Kern	San Bernardino	Stanislaus
Kings	San Diego	Tulare
Los Angeles	San Francisco	Ventura
Madera	San Joaquin	

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

Transferor also holds a highway contract carrier permit which is being transferred to Transferee by separate application.

Transferee's balance sheet of September 1, 1981, filed as part of the application, shows a net worth of \$24,400. The certificate is to be transferred at no cost.

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 December 16, 1981. No protests have been received. Applicant requests relief from the provisions of the Commission's Rules of Practice and Procedure which require wide distribution of the application.

Findings of Fact

1. Transferee has the ability, including financial ability, to initiate and continue 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.

Conclusions of Law

1. The proposed transfer is not adverse to the public interest.
2. The application, including applicant's request for relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure, 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. Othello Gipson, an individual, may transfer the operative rights specified in the application to Gipson Trucking Co., Inc., a California corporation. This authority shall expire if not exercised by July 1, 1982, or within such additional time as the

Commission may authorize. Applicant's request for relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure is granted.

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, 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 Gipson Trucking Co., Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 213, within and between the counties listed in Appendix A.

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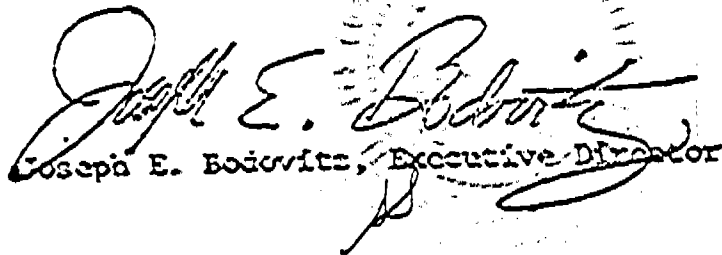
4. The certificate of public convenience and necessity granted in Application GC 8233 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated APR 6 1982, at San Francisco, California.

JOHN E. BRISON  
President  
RICHARD D. CRAVELLE  
LEONARD M. GREVES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

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

  
Joseph E. Basovitz, Executive Director

Gipson Trucking Co., Inc., 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 Luis Obispo
Colusa	Merced	San Mateo
Contra Costa	Orange	Santa Barbara
Fresno	Riverside	Santa Clara
Imperial	Sacramento	Santa Cruz
Kern	San Bernardino	Stanislaus
Kings	San Diego	Tulare
Los Angeles	San Francisco	Ventura
Madera	San Joaquin	

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.

Transferred from Certificate GC 8233, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

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Appendix A

Gipson Trucking Co., Inc.  
(a California corporation)

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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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