

ORIGINAL

Decision 82 04 064 APR 6 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of) Earl W. Hudson, Doing Business as) Hudson Trucking, for authority to) execute and deliver an Agreement) encumbering its highway common) carrier certificate of public) convenience and necessity, and) Lodi Truck Sales for authority to) acquire control of the certificates) of Earl W. Hudson, Doing Business) as Hudson Trucking.

Application 59740
(Filed June 16, 1980)
amended October 6, 1980

27,000 for the assets and liabilities of Seller and Buyer.

FINAL OPINION

Applicant Earl W. Hudson (Seller), an individual doing business as Hudson Trucking, seeks authority to sell and transfer his certificate of public convenience and necessity as a highway common carrier to Lodi Truck Sales (Purchaser), a California corporation.

Under the same application, placement carrier certificate was transferred from Seller (File T-15,161) to Purchaser (File T-131,775) by an interim order in Decision 92942 dated April 21, 1981. Transfer of the highway common carrier certificate, issued under Public Utilities (PU) Code Section 1063.5 in Application GC 9275, was deferred pending policy determination by this Commission on transfers of this type of certificate.

The certificate in question authorizes the statewide transportation of general commodities, with the usual exclusions.

Under PU Code Section 1064.5 these types of certificates, for a period of five years after issuance, may only be transferred to the extent of lawfully performed actual transportation operations. Seller has certified to operations under that authority in all counties of the State.

Seller and Purchaser had agreed to a purchase price of \$71,000 for the assets and authorities of Seller. The terms of sale were \$7,000 cash and the balance by an unsecured note.

Rule 33 of the Commission's Rules of Practice and Procedure was amended to exempt certain financial transactions of highway common carriers from the requisite approval of the Commission as described in PU Code Sections 816 et seq. The Promissory Note involved qualified for the exemption.

A copy of the application has been furnished to the California Trucking Association. Notice of the filing of the application appeared on the Commission's Daily Calendar of June 18, 1980. No protests to the application have been received.

Findings of Fact

1. Purchaser has the ability and sufficient financial resources to initiate and continue the proposed operation.

2. A public hearing is not necessary.

3. Under Rule 33(g) of the Commission's Rules of Practice and Procedure, the security transaction is exempt from the need to obtain specific Commission approval.

Conclusions 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.

FINAL ORDER

IT IS ORDERED that:

1. Earl W. Hudson, an individual, may sell and transfer the operative rights (and property) specified in the application to Lodi Truck Sales, a California corporation. 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, 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 Lodi Truck Sales, a corporation, authorizing it 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 9245 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated APR 16 1982 at San Francisco, California.

JOHN EMBRYSON, 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

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BLODI TRUCK SALES
(a California corporation)

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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.

6. 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.

Except that under the authority granted, carrier shall not transport any of the following:

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.

(END OF APPENDIX A)

Transferred from Certificate GC 9215, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission

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Noncontinuity Transfer - PU Code Section 1064.5 applies.

Appendix A

LODI TRUCK SALES
(a California corporation)

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Lodi Truck Sales, 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 as follows:

Between all points in all counties in the State of California.

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.

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Transferred from Certificate 00 9212, issued under PU Code Section 1083.2 on April 30, 1980.

Issued by California Public Utilities Commission

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Noncompetency Transfer - PU Code Section 1084.2 applies