

ORIGINAL

82 04 065 APR - 6 1982

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PAR TRUCKING, INC., a Corpora-)
tion to acquire, and)
Philip A. Rivera dba PAR TRUCKING,)
an individual to transfer a Common)
Carrier Certificate and Cement)
Certificate (and certain property)
pursuant to Section 851, et seq.,)
of the California Public Utilities)
Code).)

Application 61054
(Filed November 18, 1981)

O P I N I O N

Philip A. Rivera (Transferor), an individual doing business as Par Trucking, requests authority to transfer a highway common carrier certificate and a cement carrier certificate to Par Trucking, Inc. (Transferee), a California corporation.

The highway common carrier certificate was issued under Public Utilities (PU) Code Section 1063.5 in Application GC 1684 and authorizes statewide transportation of general commodities, with the usual exclusions. The cement carrier certificate was issued by Decision 92002, dated July 2, 1980, in Application 59639, and authorizes the transportation of cement to certain counties south of, and including, Kings and Inyo Counties.

Transferor also holds highway contract and dump truck carrier permits under File T-93,739 which are being transferred to Transferee by separate application.

Transferor holds 100% stock interest of Transferee. Thus, the proposed transfer of the highway common carrier certificate meets the terms and conditions set forth in Resolution 18049 for continuity transfers and will not be subject to the limitation imposed by PU Code Section 1064.5.

Transferee has included, as part of the application, a balance sheet dated September 1, 1981, which shows a net worth of \$300,490.

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 November 19, 1981. No protests to the application 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. Purchaser has the ability and sufficient financial resources to conduct the proposed operation.
2. The highway common carrier certificate may be transferred in its entirety.
3. A public hearing is not necessary.
4. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusions of Law

1. The proposed transfers are 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. Philip A. Rivera, an individual, may transfer the operative rights specified in the application to Par Trucking, Inc., a California corporation. This authorization shall expire if not exercised by July 1, 1982, or within such additional time as the Commission may authorize.

2. Transferee shall:

a. File with the Transportation Division written acceptance of the certificates 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, 117, and 147, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. File an annual report by April 30 of each year.
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If transferee elects not to transport collect-on-delivery shipments, it shall file the tariffs required by that General Order.

3. When the transfer is completed, and on the effective date of the tariffs, a certificate of public convenience and necessity is granted to Par Trucking, Inc. authorizing it to operate as a cement carrier, as defined in PU Code Section 214.1, between the points set forth in Appendix A.

4. The certificate of public convenience and necessity authorizing operations as a cement carrier granted to Transferor by Decision 92002 is revoked on the effective date of the tariffs.

5. When the transfer is completed, and on the effective date of the tariffs, a certificate of public convenience and necessity is granted to Par Trucking, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 213.

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

This order becomes effective 30 days from today.

Dated APR 6 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

Appendix A

Par Trucking, Inc.
(a California corporation)

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Par Trucking, Inc., 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 Public Utilities Code Section 214.1, from any and all points of origin to any and all points in the Counties of:

Fresno	Riverside
Imperial	San Bernardino
Inyo	San Diego
Kern	San Luis Obispo
Kings	Santa Barbara
Los Angeles	Tulare
Orange	Ventura

This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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