

ORIGINAL

82 04 095 APR 21 1982

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application for the transfer of )  
the Highway Common Carrier )  
authority from H.R. McDonald )  
doing business as R & S DRAYAGE )  
(TRANSFEROR) to R & S DRAYAGE, )  
INC., a California corporation )  
(TRANSFeree) )

Application 61006  
(Filed October 23, 1981)

O P I N I O N

H. R. McDonald (Transferor), an individual doing business as R & S Drayage, requests authority to transfer and R & S Drayage, Inc. (Transferee), a California corporation, seeks authority to acquire a certificate of public convenience and necessity as a highway common carrier.

The certificate was issued under Public Utilities (PU) Code Section 1063.5 in Application GC 1339. It authorizes statewide transportation of general commodities, with the usual exclusions. Under PU 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. Transferor has certified to operations under the certificate in all counties

of the State except Alpine, Del Norte, Humboldt, Imperial, Inyo, Lassen, Modoc, Mono, Plumas, Sierra, Siskiyou, Trinity, and Tuolumne. Transferor desires to retain the portion of the certificate not transferred.

Transferor also held a highway common carrier certificate issued under PU Code Section 1063 and a coextensive Certificate of Registration which were transferred to the Transferee by Decision 91464 dated March 18, 1980 in Application (A.) 59233. A highway contract carrier permit under File T-93,633 was also transferred from Transferor to Transferee by separate application. Through inadvertence of the applicants, the Section 1063.5 certificate was not transferred at that time. Under the purchase agreement in A.59233, Transferor sold all of his stock in the Transferee corporation. Thus, the transaction proposed here will result in a change of ownership, rather than a continuity transfer within the meaning of Resolution 18049, and the limitations of PU Code Section 1064.5 will apply.

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 October 27, 1981. No protests have been received. Applicants request relief from the provisions of the Commission's Rule of Practice and Procedure which require wide distribution of the application.

Findings of Fact

1. Transferee has the ability to conduct the proposed operations.
2. A public hearing is not necessary.
3. The order which follows 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 applicants' 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. H. R. McDonald, an individual, may transfer the operative rights specified in the application to R & S Drayage, 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. Applicants' request for relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure is granted.

2. Applicants shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy 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 80, 100, 104, and 147 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, a certificate of public convenience and necessity is granted to R & S Drayage, Inc., a California corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 213 between the points listed in Appendix A.

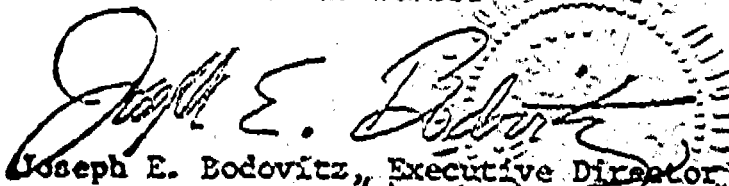
4. When the transfer is completed, and on the effective date of the tariffs, the certificate of public convenience and necessity granted to H. R. McDonald, an individual, in Application GC 1339 is amended as set forth in Appendix B.

This order becomes effective 30 days from today.

Dated APR 21 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

R & S Drayage, Inc., a California corporation, 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:

Within and between all points in the following counties:

|              |                |                 |
|--------------|----------------|-----------------|
| Alameda      | Mariposa       | San Luis Obispo |
| Amador       | Mendocino      | San Mateo       |
| Butte        | Merced         | Santa Barbara   |
| Calaveras    | Monterey       | Santa Clara     |
| Colusa       | Napa           | Santa Cruz      |
| Contra Costa | Nevada         | Shasta          |
| El Dorado    | Orange         | Solano          |
| Fresno       | Placer         | Sonoma          |
| Glenn        | Riverside      | Stanislaus      |
| Kern         | Sacramento     | Sutter          |
| Kings        | San Benito     | Tehama          |
| Lake         | San Bernardino | Tulare          |
| Los Angeles  | San Diego      | Ventura         |
| Madera       | San Francisco  | Yolo            |
| Marin        | San Joaquin    | Yuba            |

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.

Transferred from Certificate GC 1339, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

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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.
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)

Transferred from Certificate GC 1339, issued under PU Code Section 1063.5 on April 30, 1980.

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Appendix B  
Amendment to  
Section 1063.5  
Certificate

H. R. McDonald  
(an individual)

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H. R. McDonald, an individual, by the certificate of public convenience and necessity issued under Public Utilities (PU) Code Section 1063.5 in Application GC 1339, is authorized to conduct operations to the extent set forth in that certificate, as a highway common carrier, as defined in PU Code Section 213, except to, from, between, or within the counties listed in Appendix A.

(END OF APPENDIX B)

Issued by California Public Utilities Commission, original issue effective April 30, 1980, GC 1339.

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