

ORIGINAL

Decision 82 04 106 APR 21 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of RYEL, INC., doing business as)
WESTERN CEMENT TRANSPORT to sell)
and transfer a certificate of)
public convenience and necessity)
authorizing the transportation of)
cement to SIERRA TRANSPORTATION,)
INC., a California corporation.)

Application 82-03-64
(Filed March 18, 1982)

O P I N I O N

Ryel, Inc. (Ryel), a California corporation, doing business as Western Cement Transport, and Sierra Transportation, Inc. (Sierra), a California corporation, jointly apply for authorization under Public Utilities (PU) Code Section 851 for Ryel to sell and Sierra to purchase Ryel's certificate of public convenience and necessity as a cement carrier. Ryel presently holds a cement carrier certificate granted to it by this Commission in Decision (D.)82-02-53 dated February 4, 1982 in Application (A.) 61007, authorizing the transportation of cement from any and all points of origin to and within all points in the following counties:

Alameda
Butte
Contra Costa
Fresno
Kern
Kings
Madera

Marin
Mariposa
Merced
Napa
Sacramento
San Francisco
San Joaquin

San Luis Obispo
San Mateo
Santa Clara
Sonoma
Stanislaus
Tulare
Yolo

Ryel operates under rates filed by Western Motor Tariff Bureau, Inc.

Sierra presently operates as a highway contract carrier, dump truck carrier, and agricultural carrier under permits issued by the Commission in File T-137,006.

On or about March 1, 1982, Ryel and Sierra entered into an agreement whereby Sierra agreed to purchase Ryel's cement carrier certificate for the purchase price of \$30,000. The agreement provides that \$4,500 is to be paid as deposit on the purchase price, \$15,500 to be paid within 15 days after the date of this decision, and \$10,000 to be paid 45 days after the date of this decision. The \$4,500 deposit has been paid. A copy of the agreement is filed as Exhibit A of the application.

The Balance Sheet filed by Sierra as Exhibit B to the application shows a net worth of \$14,000. It intends to use four tractors and five semitrailers in the proposed operation.

Sierra asserts that it is in a financial position to purchase Ryel's cement certificate described above and to conduct operations under it. Should it become necessary to purchase additional equipment to conduct the proposed operation, Sierra will purchase or lease such equipment.

A copy of the application was furnished to the California Trucking Association and major cement shippers. Notice of the filing of the application appeared in the Commission's Daily Calendar of March 22, 1982. No protests have been received.

Findings of Fact

1. Sierra has the equipment and financial resources to conduct the proposed operation.
2. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
3. A public hearing is not necessary.

Conclusions of Law

1. The proposed transfer is not adverse to the public interest and should be authorized.
2. This authorization is not a finding of the value of the rights and properties to be transferred.

Only the amount paid to the State for operative rights may be used for 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. Ryel, Inc., a California corporation, may sell and transfer the operative rights specified in the application to Sierra Transportation, Inc., a California corporation. This authorization shall expire if not exercised by August 1, 1982 or within such additional time as the Commission may authorize.

2. Sierra shall:

- a. File with the Transportation Division written acceptance of the certificate and copies of the bill of sale or other transfer documents within 30 days after transfer.
- b. Amend or reissue Ryel'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 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 Sierra elects not to transport collect-on-delivery shipments, it 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 Sierra Transportation, Inc., a California corporation, authorizing it to operate as a cement carrier as defined in PU Code Section 214.1, between the points set forth in Appendix A.

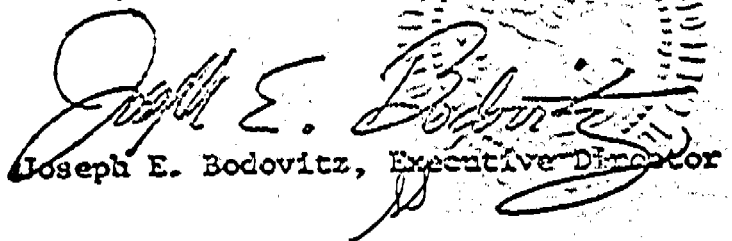
4. The certificate of public convenience and necessity granted by D.82-02-53 dated February 4, 1982 in A.61007 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated APR 21 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director

Sierra Transportation, 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 PU Code Section 214.1 from any and all points to all points in the following counties subject to the restriction shown below:

Alameda	Marin	San Luis Obispo
Butte	Mariposa	San Mateo
Contra Costa	Merced	Santa Clara
Fresno	Napa	Sonoma
Kern	Sacramento	Stanislaus
Kings	San Francisco	Tulare
Madera	San Joaquin	Yolo

RESTRICTION:

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.

Decision 82 04 106, Application 82-03-64.