

Decision 82 05 013 MAY - 4 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of KEEP ON TRUCKING COMPANY, INC., a California corporation, to acquire a certificate of public convenience and necessity to operate as a highway common carrier from Fred D. Jansen

Application 61000

(Filed October 22, 1981)

O P I N I O N

0008,7222

Fred D. Jansen (Seller), an individual, requests authority to sell, and Keep On Trucking Company, Inc. (Purchaser), a California corporation, proposes to purchase 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 2932, and authorizes the 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 that it has been exercised. Seller has certified to operations as a prime carrier under the certificate in all counties of the State.

A public hearing is not necessary.

The following order has no reasonable bearing upon the efficiency of highway carriers.

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Purchaser presently operates under highway contract and heavy-specialized carrier permits, and a PUC Code Section 1063 highway common carrier certificate issued by Decision 88411 dated January 24, 1978 in Application 57092, which authorizes the transportation of limited commodities within certain areas and over specified routes. Purchaser's Balance Sheet of December 31, 1980, filed as Exhibit A of the application, shows a net worth of \$227,840.

The agreed purchase price for the proposed sale of the certificate is \$100,000. 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 October 23, 1981. No protests have been received. Applicants request relief from the provisions of the Commission's Rules of Practice and Procedure which require wide distribution of the application. Findings of Fact:

Purchaser 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 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. Fred D. Jansen, an individual, may transfer the operative rights specified in the application to Keep On Trucking Company, Inc., a California corporation. This authority shall expire if not exercised by August 1, 1982, or within such additional time as the Commission may authorize.

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

3. 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. Will be considered
 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.

4. If the transfer is completed, on the effective date of
 the tariffs, a certificate of public convenience and necessity is
 granted to Keep On Trucking Company, Inc., a California 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.

rights specified in the application to Keep On Trucking Company,
 Inc., a California corporation. This authority shall expire at the
 exercised by August 1, 1983, or within such additional time as the
 Commission may authorize.

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

3. 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.

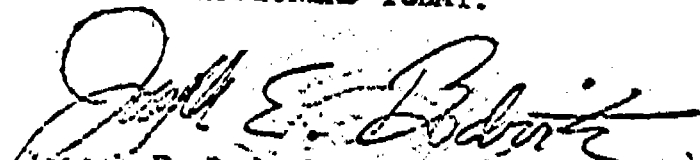
5. The certificate of public convenience and necessity granted in Application GC 2932 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated MAY 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
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

Appendix A **KEEP ON TRUCKING COMPANY, INC.** Original Page 1
(a California corporation)

Keep On Trucking Company, 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 within and between all counties in the State of California as follows:

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.

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Transferred from Certificate GC 2932, issued under PU Code Section 1063.5 on April 30, 1980.

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(a California corporation)

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.

within and between all counties in the State of California

follows:

Except that under the authority granted, carrier shall not transport any shipment 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.

(End of Appendix A)

Transferred from Certificate GC 2932, issued under PU Code Section 1063.5 on April 30, 1980.

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