

Decision 82 07 030 JUL 7 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GARY WILBUR SMITH, )  
 dba GARY SMITH TRUCKING, to )  
 transfer his Highway Common Carrier )  
 Certificate and CALIFORNIA NEVADA )  
 BIG VALLEY EXPRESS, INC., a )  
 California corporation, dba BIG )  
 VALLEY EXPRESS, to acquire said )  
 certificate (Public Utilities )  
 Code §51 and 1064.5). )

Application 82-02-46  
 (Filed February 19, 1982)

O P I N I O N

Gary Wilbur Smith (Smith), dba Gary Smith Trucking Company, and California/Nevada Big Valley Express, Inc. (Big Valley), a California corporation, dba Big Valley Express, jointly apply for an order authorizing the sale and transfer of Smith's common carrier certificate issued April 30, 1980 in Application CC 5070. The certificate authorizes the transportation of general commodities with certain exclusions between all points in the State of California.

The certificate was issued under Public Utilities (PU) Code § 1063.5 and can only be transferred to the extent of lawfully performed actual transportation operations as prescribed in PU Code § 1064.5. Applicants have certified as to actual operations in all counties of the State of California. The total purchase price for the certificate is \$400.

Notice of the filing of the application appeared on the Commission's Daily Calendar of February 23, 1982, and a copy was served upon the California Trucking Association. 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.

Big Valley's financial statement, appended to the application, shows that transferee has a net worth of \$22,111 and has exhibited adequate financial fitness to continue Smith's intra-state general commodity transportation service.

Big Valley's plan is to apply rates, routes, and rules currently on file and in force with the Commission, as published in Western Motor Tariff Bureau Local, Joint and Proportional Class Rate Tariff 570, CA PUC 50 and exercised under Decision 92831. Smith is not a party to through rates or joint rates with any other carrier.

Findings of Fact

1. Smith has agreed to sell and Big Valley has agreed to buy Smith's certificate of public convenience and necessity to transport general commodities intrastate, under Application GC 5070, issued April 30, 1980, within and between all counties in the State of California.

2. Big Valley has financial fitness sufficient to provide the service being transferred in conjunction with its presently authorized services.

3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

4. A public hearing is not necessary.

Conclusion of Law

The application, including the request for relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure, should be granted as set forth in the ensuing order.

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 modify or cancel the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Gary Wilbur Smith may sell and transfer the operative rights specified in the application to California/Nevada Big Valley Express, Inc. (Big Valley), a California corporation. This authority shall expire if not exercised by September 1, 1982 or within such additional time as the Commission may authorize.

2. Big Valley shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer.
- b. Reissue Smith'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, and 147, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform Systems of Accounts.
- e. Comply with General Order Series 84 (collect-on-delivery shipments). If Big Valley elects not to transport collect-on-delivery shipments, it shall file the tariff provisions required by that General Order.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to California/Nevada Big Valley Express, Inc., a California corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213, within and between points and places within the counties listed in Appendix A.

4. The certificate of public convenience and necessity granted to Gary Wilbur Smith, GC 5070, is revoked on the effective date of the tariffs.

5. Big Valley is authorized to adopt and transferor is authorized to withdraw from Smith's present Commission-approved tariff filings on five days' notice.

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

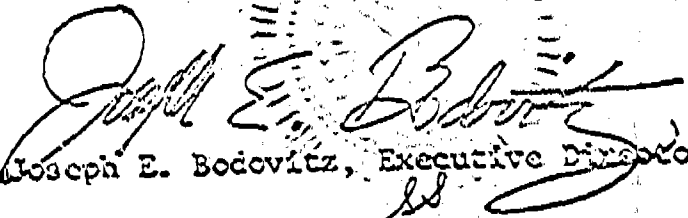
This order becomes effective 30 days from today.

Dated JUL 7 1982, at San Francisco, California.

RICHARD D. GRAVELLE  
LEONARD M. CRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

Commissioner John E. Bryson,  
being necessarily absent, did  
not participate.

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

  
Joseph E. Bodovitz, Executive Director

California/Nevada Big Valley Express, Inc. by the certificate of public convenience and necessity granted by 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 all counties of 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.
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 GC 5070 originally issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

Decision 82-07 030, Application 82-02-46.