

Decision 82 03 027

AUG 4 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
IRON HORSE EQUIPMENT CORPORATION, a)
California Corporation, to purchase)
and DEE JAY TRANSPORTATION, INC., a)
California Corporation, to sell a)
Cement Carrier Certificate author-)
izing service to and within the)
County of Inyo in the State of)
California.)
_____)

Application 82-03-29
(Filed March 9, 1982)

O P I N I O N

By Resolution 13821, dated June 23, 1964 Dee Jay Transportation, Inc. (Dee Jay) was granted a certificate of public convenience and necessity to operate as a cement carrier to and between various counties in southern California. By Decision (D.) 82-03-097 dated March 16, 1982 in Application (A.) 61072 Dee Jay was authorized to transfer all of its cement carrier authority except the portion authorizing service to and within Inyo County.

By this application Dee Jay seeks permission to sell, and Iron Horse Equipment Corporation (Iron Horse) to purchase the remainder of Dee Jay's cement carrier certificate, the Inyo County authority.

A copy of the application was served upon 10 cement mills, the California Trucking Association, and three cement carriers.

Notice of filing of the application appeared on the Commission's Daily Calendar of March 10, 1982. No protests were filed.

Permission is requested to deviate from the provisions of Rule 37 of the Commission's Rules of Practice and Procedure requiring service of the application on all competing carriers. We will grant that request.

The proposed purchase price for the sought authority is \$1,500. Attached to the application is a balance sheet reflecting Iron Horse's financial position as of December 31, 1981. It indicates total assets of \$671,543 and a net worth of \$206,453. A profit and loss statement for Iron Horse's 1981 operations shows income of \$1,877,764 and a net operating profit of \$155,901.

Iron Horse presently holds a certificate of public convenience and necessity granted by D.93861, dated December 19, 1981 in A.60405 to operate as a cement carrier to points in various southern and central California counties. It also possesses highway contract carrier and dump truck carrier permits. Iron Horse operates 15 power units and 23 pieces of trailing equipment composed of pneumatic, transfer dump, and flat trailers. Its principal place of business is located in Victorville.

Dee Jay's cement rates are published in Western Motor Tariff Bureau, Inc. (WMTB) Local Freight Tariff 17 (Cal. P.U.C. 21). Iron Horse proposes to adopt Dee Jay's present rates applicable in this tariff to and within Inyo County. Iron Horse's current cement rates are also published in WMTB 17.

Attached to the application as Exhibit F is a copy of a freight bill dated October 19, 1981 covering a truckload shipment of cement, and demonstrating that Dee Jay's cement authority has been exercised during the past year.

Findings of Fact

1. Dee Jay holds a certificate of public convenience and necessity authorizing service as a cement carrier to and within Inyo County.
2. Iron Horse requests permission to purchase, and Dee Jay to sell and transfer, the above authority.
3. Dee Jay has exercised its cement carrier certificate during the past year.
4. Iron Horse possesses the experience and financial ability to adequately conduct a cement carrier service to and within Inyo County.
5. The requested deviation from Rule 37 of the Commission's Rules of Practice and Procedure pertaining to service of the application on competing carriers is reasonable.
6. The proposed transfer would not be adverse to the public interest.
7. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.

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. Dee Jay Transportation, Inc. may sell and transfer the operative rights specified in the application to Iron Horse Equipment Corporation. This authorization shall expire if not exercised by October 31, 1982, or within such additional time as the Commission may authorize.

2. 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. 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 Order Series 100, 104, 117, and 150, and the California Highway Patrol safety rules.
- d. File an annual report of seller's operations for the period from the first day of the current year to the date of transfer.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. File an annual report by April 30 of each year.
- g. Comply with General Order Series 84 (collect-on-delivery shipments). If purchaser 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 Iron Horse Equipment Corporation, authorizing it to operate as a cement carrier, as defined in PU Code § 214.1, between the points set forth in Appendix A.

4. The certificate of public convenience and necessity granted Iron Horse by D.93861 is revoked on the effective date of the tariffs.

5. The certificate of public convenience and necessity granted Dee Jay by D.82-03-097 is revoked on the effective date of the tariffs.

6. Authority is granted to deviate from the Commission's Rules of Practice and Procedure to the extent requested in the application.

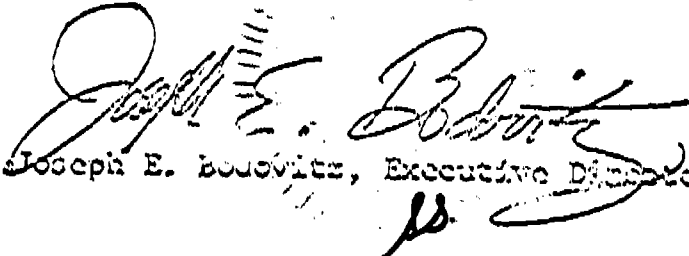
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
COMMISSIONERS

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

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


Joseph E. Bouovitz, Executive Director

Appendix A IRON HORSE EQUIPMENT CORPORATION Original Page 1
(a California corporation)

Iron Horse Equipment Corporation by the certificate of public convenience and necessity granted by the certificate noted in the margin, is authorized to conduct operations as a cement carrier as defined in Section 214.1 of the PU Code from any and all points of origin to all points in the following counties, subject to the following restrictions.

Butte	Mono	San Luis Obispo
Inyo	Orange	Santa Barbara
Kern	Riverside	Tulare
Kings	San Bernardino	Ventura
Los Angeles	San Diego	Yolo

RESTRICTIONS:

1. Whenever Iron Horse Equipment Corporation engages other carriers for the transportation of the property of Iron Horse Equipment Corporation or James W. Golson, or Roger Rust or James P. Sandoval, or customers or suppliers of that corporation or those individuals, Iron Horse Equipment Corporation shall not pay those other carriers rates and charges less than the rates and charges published in Iron Horse Equipment Corporation tariffs on file with the Commission.
2. 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 03 027, Application 82-03-29.