

Decision SZ OS 044 AUG 4 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of BEST-WAY FREIGHT LINES OF)
ARIZONA, a California corporation,)
for Authority to Purchase the)
Highway Common Carrier Certificate)
of Public Convenience and Necessity)
of CALIFORNIA CONTRACT CARRIERS,)
a California corporation, and to)
transfer the certificate to)
BEST-WAY FREIGHT LINES OF ARIZONA,)
a California corporation, Pursuant)
to Sections 851-853 of the)
California Public Utilities Code.)

Application 82-04-68
(Filed April 28, 1982)

O P I N I O N

By this application, Best-Way Freight Lines of Arizona (Purchaser), a California corporation, seeks authority to acquire a certificate of public convenience and necessity as a highway common carrier from California Contract Carriers (Seller), a California corporation.

Seller's highway common carrier certificate was granted by Decision (D.) 92041 dated July 15, 1980, in Application (A.) 59581. It authorizes the transportation of general commodities with certain exclusions within and between all counties in the State of California except Modoc, Mono, and Inyo. Seller also holds a highway contract carrier permit under File T-129,545, the disposition of which is not part of this application.

Purchaser holds only a highway contract carrier permit under File T-26,188.

Seller has filed for bankruptcy in Case No. 282-02193, in the U.S. District Court for the Eastern District of California. The proceeds from the sale of the certificate granted by D.92041 will be paid to the trustee to help defray the carrier's debts although the sale is actually taking place outside bankruptcy.

The sales agreement, filed as Exhibit D of the application, provides for payment by Purchaser to Seller of \$12,000 for the certificate. The sum of \$3,000 in cash was paid upon execution of the sales agreement and the balance of \$9,000 in cash will be paid within 10 days after the effective date of this order.

Purchaser's balance sheet dated December 1, 1981, filed as Exhibit F of the application, shows a net worth of \$785,998 with total assets of \$2,103,335.

A copy of the application was furnished to the California Trucking Association and notice of the filing of the application appeared in the Commission's Daily Calendar of April 30, 1982. No protests to the application 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

1. The proposed transfer of the certificate acquired by California Contract Carriers under D.92041, would not be adverse to the public interest.
2. Purchaser has the necessary experience and financial resources to conduct the proposed operation.
3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
4. 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. 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. California Contract Carriers, a California corporation, may sell and transfer the operative rights specified in the application to Best-Way Freight Lines of Arizona, a California corporation. This authority shall expire if not exercised by October 30, 1982 or within such additional time as the Commission may authorize.

2. Best-Way Freight Lines of Arizona 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 California Contract Carriers' 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.

3. If the transfer is completed, on the effective date of the tariffs, a certificate of public convenience and necessity is granted to Best-Way Freight Lines of Arizona, 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. The certificate of public convenience and necessity granted by D.92041 is revoked on the effective date of the tariffs.

5. Applicants request for relief from the provisions of Rule 37(a) the Commission's Rules of Practice and Procedure requiring wide dissemination of the application is granted.

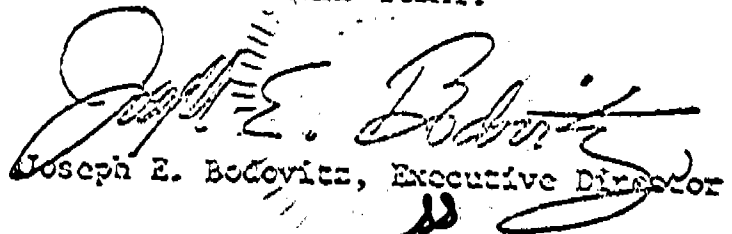
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. GRIMES, JR.
VICTOR GALVO
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. Bočovitz, Executive Director

Appendix A

BEST-WAY FREIGHT LINES OF ARIZONA
(a California corporation)

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7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed rerrigerator equipment.
11. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. Any commodity, the transportation or handling of which, because of width, length, height, weight, shape, or size, requires special authority from a governmental agency regulating the use of highways, roads, or streets.

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Appendix A

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(a California corporation)

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14. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.

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)

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