

ORIGINAL

Decision 82 08 047 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EQUIPMENT TRANSPORTATION SERVICE,)
INC., a corporation, to acquire)
from BRUCE'S TRANSPORT SERVICE, INC.,)
a corporation, a cement carrier)
certificate of public convenience and)
necessity.)

Application 82-01-06
(Filed January 5, 1982)

O P I N I O N

Equipment Transportation Service, Inc. (Equipment) operates as a contract carrier under authority issued to it in File T-124191. Bruce's Transport Service, Inc. (Bruce) holds a cement carrier certificate which authorizes operations in the Counties of Fresno, Inyo, Kern, Kings, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura. The certificate was transferred to it by Decision 90448 dated June 19, 1979 in Application 58692.

By this application Equipment requests authority to purchase and acquire the cement carrier certificate held by Bruce. By letter dated May 21, 1982 Bruce has submitted a copy of its Freight Bills 105021 and 105022 both dated February 9, 1981 to show that it has exercised its cement carrier operating authority within the last year. Equipment has already purchased Bruce's interstate operating rights under authority recently granted by the Interstate Commerce Commission (ICC).

Resolution 18120 dated May 19, 1981 authorized BHY Trucking, Inc. (BHY) to acquire all of the issued and outstanding stock of Bruce. The resolution pointed out that the

acquisition of control had been authorized by the ICC. According to the affidavit by the president and founder of Bruce attached to the application:

1. In the latter part of 1980 a flood completely ruined Bruce's headquarters and terminal;
2. Due to this its intrastate and interstate operations were continued on a curtailed basis;
3. Because of the economic loss, it decided to sell the business;
4. BHY assumed control of the business and continued the cement carrier operation;
5. Because BHY did not consummate the purchase agreement, Bruce again assumed control of the business in June 1981 and commenced looking for a new buyer; and
6. Equipment has now agreed to purchase the business.

The application states as follows:

1. Equipment is experienced in the for-hire trucking business;
2. It will continue to serve those members of the public served by Bruce;
3. It has the ability to purchase and/or lease the necessary cement carrier equipment; and
4. The proposed transfer would not adversely affect the shipping public, existing cement carriers, or the environment.

By letter dated May 6, 1982 Equipment furnished the latest financial data for itself and its parent company, Rob Frost Equipment Rentals, Inc. (Frost). Following is a summary of the February 28, 1982 balance sheet for each company:

	<u>Equipment</u>	<u>Frost</u>
Assets	\$269,704.60	\$1,508,377.88
Liabilities	360,686.04	800,208.43
Stockholders' Equity	(90,981.44)	708,169.45

(Red Figure)

The net income before income taxes for each company for the period June 1, 1981 through February 28, 1982 is: (1) a loss of \$88,844.80 for Equipment, and (2) a profit of \$241,266.03 for Frost.

A copy of the application was served on California Trucking Association. Notice of the filing was listed in the Commission's Daily Calendar of January 8, 1982. No protests have been filed.

Findings of Fact

1. The proposed transfer will not be adverse to the public interest.
2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
3. A public hearing is not necessary.
4. The following order complies with the guidelines in the Commission's Energy Efficiency Plan.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized.

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. Bruce's Transport Service, Inc. may sell and transfer the operative rights specified in the application to Equipment Transportation Service, Inc. This authorization shall expire if not exercised by November 30, 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 Orders Series 100, 104, 117, and 150, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. File an annual report by April 30 of each year.
- f. 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 Equipment Transportation Service, Inc. 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 by Decision 90448 is revoked on the effective date of the tariffs.

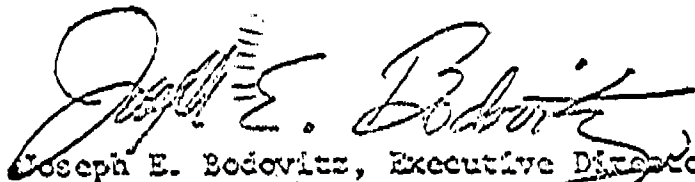
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. GRIMES, JR.
VICTOR CALVO
PERCILLA C. CREW
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. Bodovitz, Executive Director
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Appendix A EQUIPMENT TRANSPORTATION SERVICE, INC., Original Page 1
(a California corporation)

Equipment Transportation Service, 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 Public Utilities Code Section 214.1, from any and all points of origin to all points in the following counties:

Fresno	Riverside
Inyo	San Bernardino
Kern	San Diego
Kings	San Luis Obispo
Los Angeles	Santa Barbara
Orange	Ventura

This certificate shall lapse and terminate if not exercised for a period of one year.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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Decision _____, Application 82-01-06