

ORIGINAL

Decision 82 08 048 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Dorian Grey (sic) and Patricia )  
(sic) Miller, dba D.G.M. Delivery )  
(a partnership) to transfer and )  
Alfred Torrisi, (an individual) to )  
acquire a Common Carrier )  
certificate pursuant to Sections )  
851, et seq., of the California )  
Public Utilities Code. )

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Application 82-04-28  
(Filed April 12, 1982)

O P I N I O N

Dorene Greg and Patti Ann Miller (sellers), co-partners doing business as D.G.M. Delivery, seek authority to sell and transfer their certificate of public convenience and necessity to Alfred Torrisi, (purchaser), an individual doing business as Classic Transportation. The names of the sellers were misstated in the caption and have been corrected.

The highway common carrier certificate was issued under Public Utilities (PU) Code Section 1063.5 in Application GC 7411 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 of lawfully performed actual transportation operations not including subhauling. Sellers have certified to operations in the Counties of Los Angeles, Monterey,

Orange, Sacramento, San Bernardino, San Diego, San Francisco, Santa Barbara, and Ventura.

Sellers request that the portion of the certificate not transferred be revoked.

Sellers also hold a highway contract carrier permit under File T-117,981 which was transferred to the purchaser by separate application.

Purchaser proposes to purchase the certificate for a total price value of \$5,000 in the form of a 1956 Ford Thunderbird ID No. P6FH206341. All of this amount is allocated to the purchase of the highway common carrier certificate.

Purchaser holds a highway contract carrier permit under File T-136,454. He has been in the trucking business for approximately one year and desires to expand his operation to include transportation of general commodities for the general public. His balance sheet dated February 27, 1982 shows a net worth of \$11,700 with total assets of \$36,100.

A copy of the application was furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of April 14, 1982. No protests have been received.

Inasmuch as this is a matter which does not significantly affect any other party, relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure will be granted.

Findings of Fact

1. Purchaser has the necessary experience and financial ability to perform and maintain 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.

Conclusion of Law

The proposed transfer is not adverse to 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. Dorene Greg and Patti Ann Miller, co-partners, may sell and transfer the operative rights specified in the application to Alfred Torrisi, an individual. This authority shall expire on

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 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 Alfred Torrissi, an individual, authorizing him to operate as a highway common carrier, as defined in PU Code Section 213 within and between the points listed in Appendix A.

4. The certificate of public convenience and necessity granted in Application GC 7411 is revoked on the effective date of the tariffs.

5. Waiver of the provisions of the Commission's Rules of Practice and Procedure requiring wide dissemination of the application is granted.

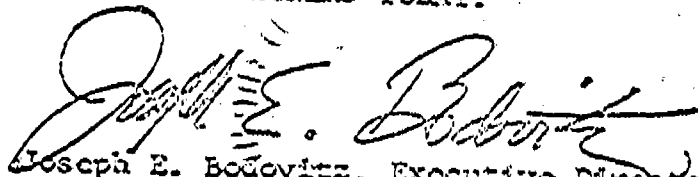
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
LEONARD M. CRIMES, 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. Bodovitz, Executive Director

Alfred Torrissi  
(an individual)  
doing business as  
CLASSIC TRANSPORTATION

Alfred Torrissi, an individual, 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 as follows:

Within and between all points in the Counties of:

Los Angeles	San Diego
Monterey	San Francisco
Orange	Santa Barbara
Sacramento	Ventura
San Bernardino	

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.

Transferred from Certificate GC 7411 issued under PU Code Section 1063.5 on April 30, 1980

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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 Certificate GC 7411 issued under PU Code  
Section 1063.5 on April 30, 1980

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