

ORIGINAL

Decision SZ 08 049 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of FRANCIS V. VOLTAS, an)
individual, to acquire and Danny)
Andrews Trucking, an individual,)
to transfer a Common Carrier)
Certificate T-103,351.)

Application 82-04-22
(Filed April 9, 1982)

O P I N I O N

Daniel P. Andrews (Seller), an individual doing business as Danny Andrews Trucking Co., seeks authority to sell and transfer his certificate of public convenience and necessity as a highway common carrier to Francis V. Voltas (Purchaser), an individual doing business as F. D. V. Trucking.

The certificate was issued under Public Utilities (PU) Code Section 1063.5 in Application GC 9950 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 operations actually performed. Seller has certified to actual operations in the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. Seller requests that the balance of the certificate not transferred be revoked.

Process
3-2-82

Seller also holds a highway contract carrier permit under File T-103,351 which he will retain.

Purchaser proposes to purchase the certificate for a total price of \$3,000 of which \$1,000 will be paid immediately and the balance of \$2,000 upon the issuance of the Commission's order granting the transfer.

Purchaser's balance sheet dated December 31, 1981, filed as Exhibit B to the application, shows a net worth of \$6,462 with total assets of \$97,665. Purchaser's operating statement shows a net profit as of December 31, 1981 of \$5,241. Purchaser holds a highway contract carrier permit under File T-130,189.

Seller presently is a party to West Coast Motor Tariff Bureau, Inc., Agent, Local and Joint Freight Tariff No. 1, Cal. PUC No. 3. Purchaser proposes to adopt this tariff.

A copy of the application has been furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of April 13, 1982. No protests to the application have been received. 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 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. Daniel P. Andrews, an individual, may sell and transfer the operative rights specified in the application to Francis V. Voltas, 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 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 Francis V. Voltas, 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-9950 is revoked on the effective date of the tariffs.

5. Applicants are granted relief from Rule 37(a) of the Commission's Rules of Practice and Procedure.

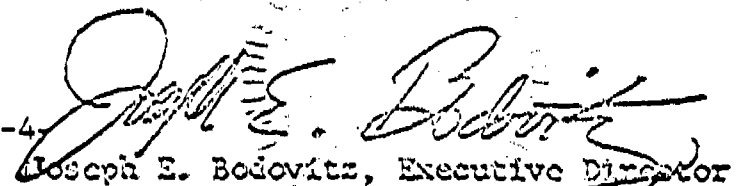
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN F. BRYSON
President
LEONARD M. CRIMES, JR.
VICTOR GALVO
PRISCILLA 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.

-4- 
Joseph E. Bodovitz, Executive Director

Appendix A

Francis V. Voltas
(an individual)
doing business as
F.D.V. TRUCKING

Original Page 1

Francis V. Voltas, 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, Orange, Riverside, San Bernardino, San Diego, and Ventura.

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 and 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 9950 issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

Decision SZ 08 049, Application 82-04-22.

Appendix A

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Original Page 2

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 9950 issued under
PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

Decision SZ OS 049, Application 82-04-22.