

82 08 052

Decision _____ August 4, 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Wm. K. Goold, an individual, to)	Application 82-03-02
acquire, and R. T. Magner, an)	(Filed March 1, 1982;
individual, to transfer a Common)	amended June 14, 1982)
Carrier Certificate.)	

O P I N I O N

Robert T. Magner, an individual doing business as Magner Moving & Storage Co., operates as a highway common carrier. He holds a certificate of public convenience and necessity issued under Public Utilities (PU) Code Section 1063.5. By this application Magner proposes to sell, and William K. Goold, an individual, to purchase a portion of the certificate. The proposed sale price is \$500. The certificate, granted under GC 6889, authorizes the transportation of general commodities between all points in the State of California. Magner proposes to sell the authority to operate within and between the Counties of Orange, Los Angeles, Ventura, Santa Barbara, San Diego, Imperial, Riverside, and San Bernardino. It is requested that the remainder of the certificate be canceled.

The amended application contains a verified statement that the certificate has been exercised in the specified eight-county territory continuously since its issuance in April 1980.

Goold has been in the moving and storage business for about two years. He wishes to expand his operation to include transportation of general commodities.

Goold has four van trucks available for use in the proposed service. He has included in the application a balance sheet showing

his financial position as of February 19, 1982. It indicates total assets of \$194,530 and a net worth of \$98,100.

Notice of the filing of the application appeared on the Commission's Daily Calendar of March 3, 1982. Authority is requested to waive the requirement for compliance with the provisions of Rule 37 of the Commission's Rules of Practice and Procedure, which directs service of a copy of the application on all competing carriers.

It is alleged that the application covers matters in which no other carrier has any interest, and that it may properly be handled under the Commission's ex parte procedure.

Findings of Fact

1. Magner possesses a certificate of public convenience and necessity, issued under the provisions of PU Code Section 1063.5, authorizing the transportation of general commodities between all points in the State of California.

2. Magner proposes to sell, and Goold to purchase, that portion of the above certificate authorizing operations within and between the Counties of Orange, Los Angeles, Ventura, Santa Barbara, San Diego, Imperial, Riverside, and San Bernardino.

3. Magner has exercised the portion of the above certificate sought to be sold continuously since its issuance in April 1980.

4. Goold possesses the experience and financial ability to conduct a highway common carrier service for the transportation of general commodities within the described eight-county territory.

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.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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. Robert T. Magner may sell and transfer the operative rights specified in the application to William K. Goold. This authorization shall expire if not exercised by September 30, 1982, or within such additional time as the Commission may authorize.

2. Applicants shall:

- a. File with the Transportation Division written acceptances of the certificate and copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue their 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.
- e. Comply with General Order Series 84 (collect-on-delivery shipments). If Goold elects not to transport collect-on-delivery shipments, he shall file the tariff provisions required by that General Order.

William K. Goold, 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 and places in the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Barbara and Ventura.

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store, and institution furniture, fixtures and equipment not packed in salesman's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
2. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers.
3. Petroleum products in tank trucks or tank trailers.

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4. Mining, building, paving and construction material, except cement or liquids, when transported in dump-type trucks or trailers or in hopper-type trucks or trailers.
5. Portland or similar cements in bulk or in packages, when loaded substantially to capacity of the motor vehicle.

(END OF APPENDIX A)

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3. When the transfer is completed, and on the effective date of the tariffs, a certificate of public convenience and necessity is granted to William K. Goold authorizing him to operate as a highway common carrier, as defined in PU Code Section 213, between the points and over the routes listed in Appendix A.

4. The certificate of public convenience and necessity granted under GC 6889 is revoked on the effective date of the tariffs.

5. Authority is granted to deviate from Rule 37 of the Commission's Rules of Practice and Procedure to the extent requested in the amended application.

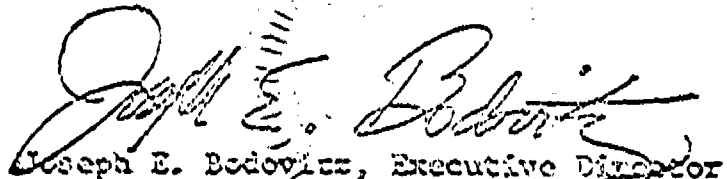
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

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

Commissioner Richard D. Gravello, 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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