

ORIGINAL

Decision 82 09 095

SEP 22 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Edward L. Heston dba Heston)
Trucking Co., pursuant to Section)
851 of the Public Utilities Code,)
to transfer a highway common)
carrier certificate of public)
convenience and necessity to)
Heston Trucking Company, Inc.)

Application 82-04-34
(Filed April 15, 1982)

O P I N I O N

By this application, Edward L. Heston (transferor) an individual doing business as Heston Trucking Co., requests authority to transfer his highway common carrier certificate of public convenience and necessity to Heston Trucking Company, Inc. (transferee), a California corporation, of which he will be president and sole stockholder.

The certificate was granted under Public Utilities (PU) Code Section 1063 by Decision (D.) 91609 dated April 15, 1980 in Application 59203. It authorizes the transportation of general commodities, subject to certain exclusions, over a variety of routes located in the northeastern part of California. It is the subject of a Certificate of Registration issued by the Interstate Commerce Commission in Docket MC-121837 which was served

on October 31, 1980. Transferor also operates as a highway contract carrier under File T-90,623. The transfer of the permit will be the subject of a separate application.

The balance sheet of the transferee shows a net worth of \$47,605 with total assets of \$143,014.94. 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 19, 1982. No protests have been received. As this is a matter which does not significantly affect any other party, we will grant relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure which require wide dissemination of the application, as requested by the applicants.

Findings of Fact

1. The proposed transfer would not be adverse to the public interest.
2. Transferee is well-qualified and has sufficient 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.

Conclusion of Law

The proposed transfer should be authorized.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by transferor which was acquired by D.91609 and the issuance of a certificate of public convenience and necessity in appendix form to transferee.

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. Edward L. Heston, an individual, may transfer the operative rights specified in the application to Heston Trucking Company, Inc., a California corporation. This authority shall expire if not exercised by December 31, 1982 or within such additional time as the Commission may authorize.
2. Heston Trucking Company, Inc. 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 Edward L. Heston'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 Order 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 Heston Trucking Company, Inc., a California corporation, authorizing it 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 by D.91609 is revoked on the effective date of the tariffs.

5. Relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure is granted.

This order becomes effective 30 days from today.

Dated SEP 22 1982 at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bedovick, Executive Director

Appendix A HESTON TRUCKING COMPANY, INC. Original Page 1
 (a California corporation)

Heston Trucking Company, Inc., 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:

- I. Between Sacramento and points located within 5 statute miles and all points and places on the following routes, or 3 statute miles laterally of such routes:
 1. State Highway 49 between Auburn and its junction with State Highway 70 at Vinton.
 2. State Highway 89 between Sierraville and its junction with State Highway 36, 5 statute miles southwest of Chester.
 3. U.S. Highway 395 between Hallelujah Junction and Litchfield, including the off-route point of Herlong.
 4. Interstate Highway 80 between Newcastle and Colfax.
 5. State Highway 174 between Colfax and Grass Valley.
 6. State Highway 20 between Grass Valley and Rough and Ready.
 7. State Highway 36 between its junction with State Highway 89 (5 statute miles southwest of Chester) and Mineral; or alternately, via State Highway 172 to or from Mineral via Mill Creek.

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Appendix A

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8. Lassen County Road A3 between Buntingville and Standish.
 9. Gold Lake Road between Bassetts (Sierra County) and Graeagle (Plumas County).
 10. State Highway 36 between its junction with U.S. Highway 395 and Susanville.
 11. State Highway 70 between Blairsdan and Hallelujah Junction.
 12. Plumas County Road A-15 between State Highways 89 and 70.
- II. 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. Automobiles, trucks, and buses, new and used.
 3. Ordinary livestock.
 4. Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk in any tank truck or tank trailer.
 5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

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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. Logs.
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 refrigerator equipment.
11. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. 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.
13. 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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