

ORIGINAL

Decision 82 11 036 NOV 3 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Olgario R. Orosco )  
to transfer his Highway Common )  
Carrier certificate and Earl Bolton )  
dba Bolton Truck Lines to acquire )  
said Certificate (Public Utilities )  
Code 851 and 1064.5) )  
\_\_\_\_\_ )

Application 82-04-38  
(Filed April 19, 1982)

O P I N I O N

Olgario R. Orosco (Seller), an individual, seeks authority to sell and transfer his certificate of public convenience and necessity as a highway common carrier to Earl Bolton (Purchaser), an individual doing business as Bolton Truck Lines.

The highway common carrier certificate was issued under Public Utilities (PU) Code Section 1063.5 in Application GC-2236 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. Seller has certified to operations under the certificate in the Counties of:

Alameda  
Contra Costa  
El Dorado  
Fresno  
Humboldt  
Imperial  
Inyo  
Kern  
Kings  
Los Angeles  
Madera

Marin  
Mariposa  
Merced  
Orange  
Riverside  
Sacramento  
San Benito  
San Bernardino  
San Diego  
San Francisco  
San Joaquin

San Mateo  
Santa Barbara  
Santa Clara  
Solano  
Sonoma  
Stanislaus  
Tulare  
Tuolumne  
Ventura  
Yuba

Seller requests that the portion of the certificate not transferred be revoked.

Seller also held a highway contract carrier permit under File T-72,486, which was transferred to Purchaser by separate application.

The agreed purchase price for the certificate is \$300 payable in cash. Purchaser has had several years experience in the trucking business. His balance sheet dated April 23, 1982 shows a net worth of \$753,087 with total intrastate revenue of \$197,115 for the period ending March 31, 1982.

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 21, 1982. No protests have been received.

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. Olgario R. Orosco (Seller), an individual, may sell and transfer the operative rights specified in the application to Earl Bolton (Purchaser), an individual. This authority shall expire if not exercised by December 31, 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, adopt, 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 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.
- e. Comply with General Order Series 84 (collect-on-delivery shipments). If purchaser elects not to transport collect-on-delivery shipments, he shall file the tariff provisions required by the General Order.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Earl Bolton 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.

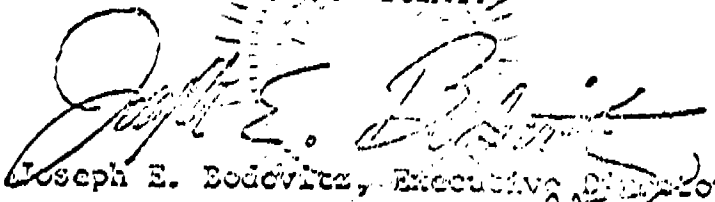
4. The certificate of public convenience and necessity granted in Application GC-2236 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today

Dated NOV 3 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. Bodovitz, Executive Director

Earl Bolton, an individual doing business as Bolton Truck Lines, 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:

Alameda	Marin	San Mateo
Contra Costa	Mariposa	Santa Barbara
El Dorado	Merced	Santa Clara
Fresno	Orange	Solano
Humboldt	Riverside	Sonoma
Imperial	Sacramento	Stanislaus
Inyo	San Benito	Tulare
Kern	San Bernardino	Tuolumne
Kings	San Diego	Ventura
Los Angeles	San Francisco	Yuba
Madera	San Joaquin	

Transferred from Certificate GC-2236 issued under PU Code  
Section 1063.5 on April 30, 1980.

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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.
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)

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Section 1063.5 on April 30, 1980.

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