

ORIGINAL

Decision 82 12 082 DEC 15 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Bradford F. McKernan, Darryll M. )  
 Jenkins, and Robert J. Brown, a )  
 partnership, doing business as SPA )  
 TRANSPORT, for authority to acquire )  
 the highway common carrier certifi- )  
 cate of Zell G. Henderson, an indi- )  
 vidual doing business as THE SPA )  
 HAULER, pursuant to the provisions )  
 of Section 851 et seq. of the )  
 California Public Utilities Code. )

Application 82-08-24  
(Filed August 11, 1982)

O P I N I O N

Bradford F. McKernan, Darryll M. Jenkins, and Robert J. Brown (transferees), a partnership doing business as Spa Transport, and Zell G. Henderson (Transferor), an individual doing business as The Spa Hauler, seek authority for the transfer of a highway common carrier certificate issued to the latter in Decision (D.) 92882 in Application 60001. The certificate is limited to the transportation of uncrated spas and and hot tubs.

Transferees will pay \$50,000 for the assets of transferor, including this certificate, motor vehicle (8 trailers and 8 trucks and tractors), and an interstate certificate.

The operation is now conducted under an individual tariff. Transferees will adopt this tariff.

It is alleged that transferees are experienced in the specialized transportation which is authorized by the certificate. As of May 1982 the year's operations had generated gross revenues of slightly over \$60,000 with a net operating loss of approximately \$5,000. The partnership claims assets of nearly \$60,000 with negligible liabilities.

The application was noticed in the Commission's Daily Calendar of August 16, 1982; no protests have been received.

This authorization is not a finding of the value of the rights and properties to be transferred.

Findings of Fact

1. The transfer is not adverse to the public interest.
2. A public hearing is not necessary.

Conclusion of Law

The proposed transfer is in 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. Zell G. Henderson may sell and transfer the operative rights and property specified in the application to Bradford F. McKernan, Darryll M. Jenkins, and Robert J. Brown, a partnership. This authority shall expire if not exercised by January 30, 1983, or within such additional time as the Commission may authorize.
2. Purchasers 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 Bradford F. McKernan, Darryll M. Jenkins, and Robert J. Brown, a partnership, authorizing them to operate as a highway common carrier, as defined in PU Code § 213, between the points and over the routes listed in Appendix A.


4. The certificate of public convenience and necessity granted by D.92882 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from now.

Dated DEC 15 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, Secretary

Appendix A

B. F. MCKERNAN  
D. M. JENKINS  
R. J. BROWN  
(a partnership)  
doing business as  
SPA TRANSPORT

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B. F. McKernan et al., doing business as Spa Transport, by the certificate of public convenience and necessity granted in the decision noted in the margin **are** authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of Uncrated Spas and Hot Tubs as follows:

Via the following routes;

Between the following points serving all intermediate points on or within 100 statute miles of the highways listed:

1. Crescent City and Los Angeles on U.S. Highway 101.
2. Weed and San Diego on Interstate Highway 5.
3. Alturas and the intersection of U.S. Highway 395 and Interstate Highway 15 on U.S. Highway 395 (portion in California only).
4. Los Angeles and Blythe on Interstate Highway 10.
5. San Bernardino and Baker on Interstate Highway 15.

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.**

Issued by California Public Utilities Commission.

Decision 82 12 082, Application 82-08-24.