

Decision 83 05 081 MAY 18 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of James Russell Guthrie)
and Phillip Merenda, dba Economy)
Delivery Service, a partnership, to)
transfer its highway common carrier)
certificate and A. J. Millstine dba)
Economy Delivery Service, an)
individual, to acquire said)
certificate.)

Application 83-03-49
(Filed March 17, 1983)

O P I N I O N

James Russell Guthrie and Phillip Merenda (sellers), a partnership, doing business as Economy Delivery Service, request authority to transfer and sell their highway common carrier certificate to A. J. Millstine (purchaser) who will operate under the same fictitious name. The certificate was granted to the sellers by Decision (D.) 93505 dated September 1, 1981 in Application 60427. It authorizes the transportation of general commodities, with the usual exceptions, in shipments not exceeding 4,000 pounds each between all points and places in the Counties of Los Angeles, Orange, Riverside, and San Bernardino. Sellers also hold a highway contract carrier permit issued in File T-129,975. A separate request has been made to transfer the permit. In addition to the operating authority, the sale will include a 1979 one-ton van and other business assets. The sale price is \$10,000.

The application states as follows:

1. Sellers wish to withdraw from the trucking business because of other interests which require their fulltime.
2. Purchaser has had extensive experience in the transportation field and will vigorously operate the business sought to be transferred.
3. If the application is granted, purchaser will adopt sellers' tariff.

4. As of February 16, 1983, purchaser had assets of \$166,000, liabilities of \$58,000, and a net worth of \$108,000.
5. The granting of the application will have no significant effect upon the quality of the human environment or energy efficiency.
6. The proposed transfer will benefit the shipping public.

A copy of the application was served on the California Trucking Association. It was listed on the Commission's Daily Calendar of March 23, 1983 and Daily Transportation Calendar of March 24, 1983. There has been no protest to the application.

We are of the opinion that the transfer should be authorized. Because there is an urgent need for the sought authority, the following order should be made effective on the date it is signed.

Findings of Fact

1. The proposed transfer of the highway common carrier certificate acquired by sellers by D.93505 is not adverse to the public interest.
2. Purchaser has the experience and ability to operate the trucking business sought to be transferred.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
5. A public hearing is not necessary.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized.

2. This order should be effective on the date signed because there is an immediate need for the transfer authority.

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. James Russell Guthrie and Phillip Merenda may sell and transfer the operative rights and property specified in the application to A. J. Millstine. This authority shall expire if not exercised by August 31, 1983, 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 sellers' 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, 123, 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 A. J. Millstine authorizing him to operate as a highway common carrier, as defined in PU Code § 213, between the points listed in Appendix A.

4. The certificate of public convenience and necessity granted by Decision 93505 is revoked on the effective date of the tariffs.

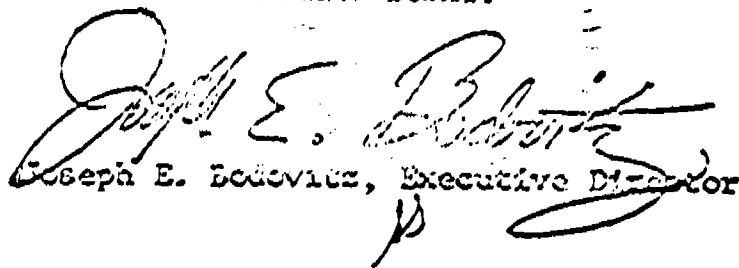
This order is effective today.

Dated MAY 18 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Ledovitz, Executive Director

A. J. Millstine, 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 and San Bernardino. Service is limited to shipments weighing not in excess of 4,000 lbs.

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. Articles of extraordinary value.
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. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. 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.
14. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.

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A. J. Millstine
(an individual)
doing business as
ECONOMY DELIVERY SERVICE

In performing the service authorized, carrier may make use of any and all public streets, roads, highways, and bridges necessary or convenient for the performance of this service.

(END OF APPENDIX A)

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