

ORIGINAL

Decision No. 86618

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of KURT CAILLIER and RANDY)
CAILLIER, PTRS., DBA R & K TRUCK-)
ING to transfer Cement Carrier)
Certificate to R & K TRUCKING, a)
CORPORATION.)

Application No. 56758
(Filed September 16, 1976)

OPINION

By this application, Kurt Caillier and Randy Caillier, co-partners, (Transferors) doing business as R & K Trucking request authority to transfer and R & K Trucking, a California corporation, (Transferee) seeks authority to acquire a cement carrier certificate of public convenience and necessity. The certificate was granted by Decision 81603, dated July 17, 1973, in Application 54005 and authorizes transportation to and within all points and places in the Counties of Kern, Los Angeles, Orange, Riverside, San Bernardino and Ventura.

The applicant co-partners are changing the legal form of their business from a partnership to a corporation. The change also includes highway carrier permits which are subject to a separate application and various highway equipment and other assets. Transferors participate in tariffs published by Western Motor Tariff Bureau, Inc., Agent, for rates and rules governing the operation under the certificate. Transferee will be required to adopt such tariffs. Transferee's financial statement (unaudited) of July 31, 1976 shows net worth of \$91,038.

The applicants have requested relief from the provisions of the Commission's Rules of Practice and Procedure which require that copies of the application be widely disseminated. A copy of the application was mailed to the California Trucking Association

and notice of the filing of the application was made in the Commission's Daily Calendar of September 17, 1976. No protests to the application have been received.

The Commission finds that the deviation from its Rules of Practice and Procedure should be authorized, that the proposed transfer of the certificate and highway equipment would not be adverse to the public interest and concludes that the application should be granted. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Kurt Caillier and Randy Caillier, co-partners, and the issuance of a certificate in appendix form to R & K Trucking, a California corporation.

The authorization granted shall not be construed as a finding of the value of rights authorized to be transferred.

Transferee is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. On or before March 1, 1977, Kurt Caillier and Randy Caillier, co-partners, may transfer the operative rights and equipment referred to in the application to R & K Trucking, a California corporation.
2. Within thirty days after the transfer the transferee shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

3. Transferee shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfer. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order 117-Series. Failure to comply with the provisions of General Order 117-Series may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to R & K Trucking, a California corporation, authorizing it to operate as a cement carrier as defined in Section 214.1 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision 81603 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Transferee shall comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order 100-Series.


7. Transferee shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

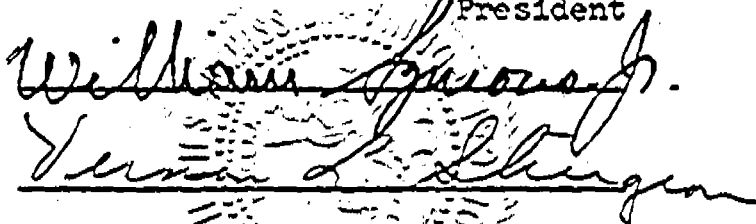
8. Transferee shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If transferee elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

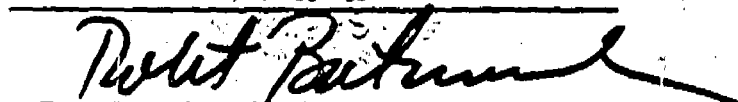
9. The applicants are granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested in the application.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of November, 1976.



President




Commissioners

Commissioner Leonard Ress, being necessarily absent, did not participate in the disposition of this proceeding.

R & K Trucking by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a cement carrier as defined in Section 214.1 of the Public Utilities Code, from any and all points of origin to any and all points in the Counties of Kern, Los Angeles, Orange, Riverside, San Bernardino, and Ventura, subject to the following restrictions.

RESTRICTIONS: Whenever R & K Trucking, a California corporation, engages other carriers for the transportation of property of Randy Caillier and/or Kurt Caillier or Everall M. Caillier and/or Caillier Investment Corporation and/or Ann Equipment Rentals and/or A & A Ready Mix Company or customers or suppliers of said individuals, companies or corporations, R & K Trucking, shall not pay such other carriers rates and charge less than the rates and charges published in the tariffs filed with this Commission by R & K Trucking.

This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 86618, Application 56758.