

ORIGINAL

Decision No. 87099

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica-)
tion of:)ROBERT W. ANDERSON AND MICHAEL)
V. ANDERSON, co-partners doing)
business as ANDERSON CEMENT, to)
transfer, and MICHAEL V.)
ANDERSON, an individual doing)
business as ANDERSON CEMENT,)
to acquire, a cement carrier)
certificate authorizing service)
to and within the County of)
San Diego, California.)Application No. 56988
(Filed January 6, 1977)OPINION

Robert W. Anderson and Michael V. Anderson, co-partners doing business as Anderson Cement, (sellers) request authority to sell and transfer and Michael V. Anderson, an individual doing business as Anderson Cement (purchaser) seeks authority to purchase and acquire a cement carrier certificate of public convenience and necessity.

The certificate was granted by Decision 84676, dated July 15, 1975, in Application 55674 and authorizes transportation to and within the County of San Diego.

No cash or other consideration will be paid for the certificate.

Purchaser presently holds highway carrier permit authority issued by this Commission. His balance sheet of December 20, 1976, shows net worth of \$27,659.

Sellers participate in tariffs published by Western Motor Tariff Bureau, Inc., Agent, for rates and rules governing the operation under the certificate. Purchaser proposes to adopt the tariffs.

The applicants have submitted a copy of a shipping document evidencing operation during the last year under the certificate to be transferred.

A copy of the application has been served on the California Trucking Association and notice of the filing of the application was made in the Commission's Daily Calendar of January 10, 1977. No protests to the application have been received.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. 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 Robert W. Anderson and Michael V. Anderson and the issuance of a certificate in appendix form to Michael V. Anderson.

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

Purchaser 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 cancelled 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 June 1, 1977, Robert W. Anderson and Michael V. Anderson may sell and transfer the operative rights referred to in the application to Michael V. Anderson, an individual.

2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and and a true copy of the bill of sale or other instrument of transfer.

3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that he has adopted or established, as his 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 Michael V. Anderson, authorizing him 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 84676 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchaser 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. Purchaser shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

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

Dated at San Francisco, California, this 15th day of March, 1977.

Robert Bakumel
President
William J. Quinn
Thomas L. Stinson
Leonard Kern
Richard D. Givens
Commissioners

Michael V. Anderson, an individual, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a cement carrier as defined in Section 214.1 of the Public Utilities Code, to all points and places within the County of San Diego from any and all points of origin, subject to the following restriction:

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 No. 87099, Application No. 56988.