

ORIGINAL

Decision No. 87121

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of California and Western States)
Ammonia Transport, Inc., a )
corporation doing business as )
California Ammonia Transport, )
to transfer, and Harry W. )
Stangeland, an individual, to )
acquire a portion of a certifi- )
cate of public convenience and )
necessity to operate as a cement )
carrier. )

Application No. 56993
(Filed January 11, 1977)

In the Matter of the Application)
of California and Western States)
Ammonia Transport, Inc., a )
corporation doing business as )
California Ammonia Transport, )
to transfer, and G. & S. In- )
dustries, Inc. a corporation, to )
acquire a portion of a certifi- )
cate of public convenience and )
necessity to operate as a cement )
carrier. )

Application No. 56994
(Filed January 11, 1977)

O P I N I O N

California and Western States Ammonia Transport, Inc.,
a California corporation doing business as California Ammonia
Transport (seller), requests authority to sell and transfer and
Harry W. Stangeland, an individual, and G. & S. Industries, Inc.,
a California corporation (purchasers), each seek authority to
purchase and acquire portions of a cement carrier certificate
of public convenience and necessity.

The certificate was granted by Decision 86466, dated
October 5, 1976, in Application 56542 and authorizes transporta-
tion to and within the Counties of San Bernardino and San Diego.
Harry W. Stangeland desires to acquire operating rights for the

county of San Bernardino for \$1,000 in cash and G. & S. Industries, Inc., will purchase the rights for San Diego County for a consideration of \$2,000 in cash.

Harry W. Stangeland presently holds highway carrier permits issued by this Commission and a cement carrier certificate issued by Decision 72988, dated August 29, 1967, in Application 49398 which authorizes transportation to and within the Counties of Kern, Kings, Los Angeles, San Diego, San Luis Obispo, Santa Barbara and Ventura. His balance sheet of June 30, 1976, shows net worth of \$39,859.49.

G. & S. Industries Inc., also holds a highway carrier permit and a cement carrier certificate. The certificate was issued by Decision 78785, dated June 15, 1971 in Application 52586 which authorizes transportation to and within the Counties of Kern, Los Angeles, Orange, Riverside and San Bernardino. This carrier's balance sheet of March 31, 1976 shows net worth of \$116,975.

Seller participates in Western Motor Tariff Bureau, Inc., Agent, tariff publications to cover operations under the certificate. Purchasers propose to adopt the tariffs. The seller has submitted documents evidencing operations under the certificate authority during the past year.

Copies of the applications were served on California Trucking Association and the applicants request deviation from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the applications. Notices of the filing of the applications were made in the Commission's Daily Calendar of January 12, 1977. No protests to the applications have been received.

After consideration the Commission finds that the proposed transfers would not be adverse to the public interest and concludes that they should be authorized. A public hearing is not necessary.

The order which follows will provide for, in the event the transfers are completed, the revocation of the certificates presently held by California and Western States Ammonia Transport, Inc., a corporation, Harry W. Stangeland, an individual, and G. & S. Industries, Inc., a corporation, and the issuance of certificates in appendix form to Harry W. Stangeland and G. & S. Industries, Inc.

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

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1977, California and Western States Ammonia Transport, Inc., a California corporation, may sell and transfer the operative rights referred to in the applications to Harry W. Stangeland, an individual, and G. & S. Industries, Inc., a California corporation.
2. Within thirty days after the transfer the purchasers shall file with the Commission written acceptances of the certificates and true copies of the bills of sale or other instruments of transfer.
3. Purchasers shall amend or reissue the tariffs on file the Commission, naming rates and rules governing the common carrier operations transferred to show that they have adopted or established, as their 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 to 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 transfers authorized in paragraph 1 are completed, effective concurrently with the effective dates of the tariff filings required by paragraph 3, certificates of public convenience and necessity are granted to Harry W. Stangeland, individual, and G. & S. Industries, Inc., a California corporation, authorizing them to operate as cement carriers as defined in Section 214.1 of the Public Utilities Code, between the points set forth in Appendices A and B, attached hereto and made a part hereof.

5. The certificates of public convenience and necessity granted by Decisions 72988, 78785 and 86466 are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchasers 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. Purchasers shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Account 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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8. Purchasers shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If purchasers elect not to transport collect on delivery shipments, they 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 22nd day of March, 1977.

*I abstain*  
*Robert Patruil*  
Commissioner

~~Robert Patruil~~  
\_\_\_\_\_  
President  
*William Lyons, Jr.*  
*Vermon L. Sturgeon*  
\_\_\_\_\_  
*J. R. ...*  
*Richard D. ...*  
Commissioners

Harry W. Stangeland, 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, Kings, Los Angeles, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura, subject to the following restrictions:

1. This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.
2. Whenever Harry W. Stangeland engages other carriers for the transportation of property of Harry W. Stangeland or Goleta Ready Mix, Inc., or customers or suppliers of said individual or corporation, Harry W. Stangeland shall not pay such other carriers rates and charges less than the rates and charges published in his tariffs on file with this Commission.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 87121, Applications 56993 and 56994.

G. & S. Industries, Inc., a corporation, 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 within the Counties of Kern, Los Angeles, Orange, Riverside, San Bernardino and San Diego subject to the following restrictions:

1. This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.
2. Whenever G. & S. Industries, Inc., engages other carriers for the transportation of property of Robert Gibbel, an individual, Gibbel Bros., Inc., a corporation, San Diego Redi-Mix, Inc., a corporation, or G. & S. Industries, Inc., a corporation, or customers or suppliers of said individual or corporations, G. & S. Industries, Inc., shall not pay other such carriers rates and charges less than the rates and charges published in the tariffs of G. & S. Industries, Inc., on file with the Commission.

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

Decision 87121, Applications 56993 and 56994.