

ORIGINAL

Decision No. 87817 SEP 7 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of B & G TRUCKING, INC. a Califor-) )  
nia corporation, to purchase from ) )  
M AND M TRANSFER COMPANY, a Cali-) )  
fornia corporation, the Certifi-) )  
cate of Public Convenience and ) )  
Necessity for the transportation ) )  
of general commodities issued by ) )  
the Public Utilities Commission, ) )  
pursuant to Sections 851-854 of ) )  
the California Public Utilities ) )  
Code, and for the issuance of an ) )  
In-Lieu Certificate of Public ) )  
Convenience and Necessity. ) )

Application No. 57403  
(Filed June 24, 1977)

O P I N I O N

M and M Transfer Company, a California corporation, (seller) requests authority to sell and transfer and B & G Trucking, Inc., a California corporation (purchaser) seeks authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The certificate was granted by Decision 74392, dated July 16, 1968, in Application 48327, as amended by Decision 76431, dated November 18, 1969, in Application 51343 and authorizes transportation of general commodities, with the usual exclusions, between points within the Los Angeles Basin Territory. A portion of the certificate, encompassing the Los Angeles Territory, as described in Note B of Appendix A hereof, has been registered with the Interstate Commerce Commission for co extensive interstate and foreign operations in Docket 107744 (Sub No. 3). That portion of the certificate authority was granted by Decision 72507 dated May 31, 1967 in Application 48327, as amended by Decision 74082 dated May 7, 1968 and reissued as part of the existing certificate.

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Pursuant to Purchase and Sale Agreement of June 17, 1977 between the parties, the sale will include:

<u>Item</u>	<u>Price</u>
1. California intrastate certificate and goodwill.	\$10,000
2. Certificate of Registration and goodwill.	5,000
3. Interstate Commerce Commission Certificate of Public Convenience and Necessity issued in Docket No. MC 107744 and goodwill.	10,000
4. Interstate Commerce Commission Certificate of Public Convenience and Necessity issued in Docket No. MC 107744 (Sub 1) and goodwill.	<u>10,000</u>
Total	\$35,000

Ten thousand dollars (\$10,000) of the purchase price was paid upon execution of the agreement and the balance of \$25,000 will be paid in cash upon the approval of the proposed transaction by this Commission and the Interstate Commerce Commission.

B & G Trucking, Inc., holds highway carrier permits issued by this Commission. Its balance sheet of January 31, 1977 shows a net worth of \$294,138. It proposed to continue the operations of the seller using motor vehicle equipment of its own to perform the services and intends to add to its equipment and facilities as the demands of the shipping public require. Assertedly, it has experienced demands from the shipping public and customers to provide motor carrier services within the territorial areas of the certificate to be transferred. If this application is granted, purchaser will acquire the equipment required to fill the needs and demands of the shipping public.

Seller participates in Western Motor Tariff Bureau, Inc., Agent, tariff publications to cover operations under the certificate. Purchaser proposes to adopt the same tariffs.

The applicants request relief from the provisions of the Commission's Rules of Practice and Procedure which require copies of the application to be widely disseminated. A copy of the application was mailed to the California Trucking Association and notice of the filing of the application appeared in the Commission's Daily Calendar of June 30, 1977. No protests to the application have been received.

After consideration, the Commission finds:

1. The requested deviation from the Commission's Rules of Practice and Procedure should be authorized.
2. The proposed transfer of the intrastate certificate referred to in the application would not be adverse to the California public interest and should be authorized.

The Commission 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 highway common carrier certificate presently held by M and M Transfer Company and the issuance of a certificate in appendix form to B & G Trucking, Inc. The new certificate issued to B & G Trucking, Inc., will not broaden or change the interstate or foreign commerce rights held by M and M Transfer Company.

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. The action taken herein shall not be construed as a finding of the value of the rights authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before June 1, 1978, M and M Transfer Company may sell and transfer the operating rights referred to in the application to B & G Trucking, Inc., a California corporation.

2. Within thirty days after the transfer, the purchaser 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. 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 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 80-Series. Failure to comply with the provisions of General Order 80-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 B & G Trucking, Inc., a California corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision 74392, as amended, 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 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. 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, 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 7<sup>th</sup> day of SEPTEMBER, 1977.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Robert Batistich  
President

William Symons Jr.

Joseph R. Stovall

Clair J. Deloria  
Commissioners

B & G Trucking, Inc., 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 Section 213 of the Public Utilities Code for the transportation of general commodities between all points and places within the Los Angeles Basin Territory as described in Note A hereof.

Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

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5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs
9. Commodities of abnormal size or weight, which because of their abnormal size or weight, require the use of low-bed trailers.
10. Trailer coaches and campers, including intergral parts and contents when the contents are within the trailer coach or camper.

## NOTE A

## LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated

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community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

NOTE B - Portion of certificate registered with the Interstate Commerce Commission.

#### LOS ANGELES TERRITORY

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof to the

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west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

(END OF APPENDIX A)

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