

ORIGINAL

Decision No. 88844 MAY 16 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)	
of KOPPERS COMPANY, INC., for)	Application No. 57737
authority to control MILES & SONS)	(Filed December 9, 1977)
TRUCKING SERVICE, INC.)	

SUPPLEMENTAL OPINION AND ORDER

By Decision 88296 dated December 20, 1977, in this proceeding, Koppers Company, Inc., a Delaware corporation, was granted authority to control Miles & Sons Trucking Service, Inc., a California corporation, by purchase of capital stock.

It has been brought to the Commission's attention that, by reason of such stock acquisition, certain alter ego restrictions should be added to the highway common carrier, petroleum irregular route carrier, and cement carrier certificates of Miles and Sons Trucking Service, Inc. to the effect that:

"Whenever Miles and Sons Trucking Service, Inc. engages other carriers for the transportation of property of Miles & Sons Trucking Service, Inc., Koppers Company, Inc., or Kaiser Sand & Gravel, Inc., affiliated corporations, subsidiaries, or divisions thereof, or customers or suppliers of said corporations, companies, or divisions, Miles & Sons Trucking Service, Inc. shall not pay such other carriers rates and charges less than the rates and charges published in Miles & Sons Trucking Service, Inc.'s tariffs on file with this Commission."

In the circumstances, it appears, and the Commission finds that the necessary amendments should be made by the order herein. The Commission concludes that Appendices A and B of Decision 82201 dated December 4, 1973 in Application 54238 and Appendix A of Decision 78486 dated March 30, 1971 in Application 52444 as amended by Decision 78773 dated June 15, 1971 should be amended accordingly. The effective date of this order should be the date on which it is signed since there is no known opposition and no reason to delay the effecting of the amendments.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision 82201 dated December 4, 1973 in Application 54238 is hereby amended by substituting the attached First Revised Page 2 in place and instead of Original Page 2, and Appendix B of said decision is hereby amended by substituting the attached First Revised Page 1 in place and instead of Original Page 1. Appendix A of Decision 78486 dated March 30, 1971 as amended by Decision 78773 dated June 15, 1971 in Application 52444 is hereby further amended by substituting the attached First Revised Page 1 in place and instead of Original Page 1.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th day of MAY, 1978.

Robert Butwinich
President
William Sprouff
Vernon L. Strigean
Charles D. Gould
Alvin J. Debrail
Commissioners

9. Interstate Highway 80 between San Francisco and the California-Nevada State Line;
10. U. S. Highway 50 between Sacramento and the California-Nevada State Line;
11. U. S. Highway 395 between the California-Nevada State Line, near Topaz Lake, and its junction with Interstate Highway 15, near Hesperia;
12. U. S. Highway 66 (Interstate Highway 15), between Barstow and the City of Los Angeles;
13. Interstate Highway 40 (U. S. Highway 66), between Barstow and Needles, via Amboy and Essex;
14. Interstate Highway 10 between the City of Los Angeles and the California-Arizona State Line;
15. Interstate Highway 15 between Barstow and the California-Nevada State Line;
16. State Highway 127 between Baker and the California-Nevada State Line; and
17. Interstate Highway 8 between the City of San Diego and the California-Arizona State Line.

*RESTRICTION

Whenever Miles & Sons Trucking Service, Inc. engages other carriers for the transportation of property of Miles & Sons Trucking Service, Inc., Koppers Company, Inc., or Kaiser Sand & Gravel, Inc., affiliated corporations, subsidiaries, or divisions thereof, or customers or suppliers of said corporations, companies or divisions, Miles & Sons Trucking Service, Inc., shall not pay such other carriers rates and charges less than the rates and charges published in Miles & Sons Trucking Service, Inc.'s tariffs on file with this Commission.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

*Amended by Decision 88844, Application 57737.

Miles & Sons Trucking Service, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of:

1. Petroleum products requiring pressurized or insulated tanks, between all points and places in the State of California.
2. Petroleum and petroleum products in tank-trucks or tank-trailers between all points and places in the State of California except the points and places described in Appendix A hereof, authorized to be served by it as a highway common carrier.

RESTRICTIONS: Transportation of waste materials under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste from the State Water Resources Control Board.

*Whenever Miles & Sons Trucking Service, Inc. engages other carriers for the transportation of property of Miles & Sons Trucking Service, Inc., Koppers Company, Inc., or Kaiser Sand & Gravel, Inc., affiliated corporations, subsidiaries, or divisions thereof, or customers or suppliers of said corporations, companies or divisions, Miles & Sons Trucking Service, Inc., shall not pay such other carriers rates and charges less than the rates and charges published in Miles & Sons Trucking Service, Inc.'s tariffs on file with the Commission.

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

*Amended by Decision 88844, Application 57737.

Appendix A
(D. 78486)
(as amended by)
(D. 78773)

MILES & SONS TRUCKING
SERVICES, INC.
(a California corporation)

First Revised Page 1
Cancels
Original Page 1

Miles & Sons Trucking Service, Inc. 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 all counties of the State of California 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 Miles & Sons Trucking Service, Inc. engages other carriers for the transportation of property of Miles & Sons Trucking Service, Inc., Koppers Company, Inc., or Kaiser Sand & Gravel, Inc., affiliated corporations, subsidiaries, or divisions thereof, or customers or suppliers of said corporations, companies or divisions, Miles & Sons Trucking Service, Inc., shall not pay such other carriers rates and charges less than the rates and charges published in Miles & Sons Trucking Service, Inc.'s tariffs on file with the Commission.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

*Amended by Decision 88844, Application 57737.