

ORIGINAL

Decision No. 89202 AUG 8 - 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

Application of Western Salt Com-)	
pany, a California corporation, for))	
an Order Authorizing the Transfer)	Application No. 57940
of a Cement Carrier Certificate)	(Filed March 20, 1978)
From Hunte Trucking Company, Inc.,)	
a California corporation, to)	
Western Salt Company.)	

O P I N I O N

By their joint application, Hunte Trucking Company, Inc., a corporation, (seller) seeks authority to sell and transfer and Western Salt Company, a California corporation (purchaser) seeks authority to purchase and acquire a certificate of public convenience and necessity as a cement carrier. The certificate was granted to Hunte Trucking Company, Inc. pursuant to Decision 79065 dated August 24, 1971 in Application 52758 and authorizes the transportation of cement from any and all points of origin to all points in the County of San Diego. Seller also holds authority as a dump truck carrier.

The owners of the seller wish to withdraw from the trucking business and pursue other investment interests. The consideration for the sale is the sum of \$60,000 payable in cash upon consummation of the transfer and is allocated at \$59,000 for certain operating equipment as set forth in the bill of sale, and \$1,000 for the cement certificate as indicated in a letter filed by the applicant's attorney on August 4, 1978. Purchaser's balance sheet of September 30, 1977 shows a net worth of \$5,702,138.

Seller participates in tariffs published by Western Motor Tariff Bureau, Inc., Agent, for rates and rules governing the operation under the certificate. The purchaser proposes to adopt such tariffs.

The application includes copies of shipping documents which show the certificate to be transferred has been exercised during the past year.

The applicants request relief from the provisions of the

Commission's Rules of Practice and Procedure which require wide dissemination of the application. Notice of the filing of the application appeared in the Commission's Daily Calendar of March 22, 1978. 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 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 Hunte Trucking Company, a California corporation, and the issuance of a certificate in appendix form to Western Salt Company, a California corporation.

Purchaser is placed on notice that operating 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 granting 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 authorization granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. Hunte Trucking Company, Inc. a California corporation, may sell and transfer the operative rights and equipment referred to in the application to Western Salt Company, a California corporation. This authority shall expire if not exercised by December 31, 1978, or within such additional time as may be authorized by the Commission.
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 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 Western Salt Company, 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 acquired by Decision 79065 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 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 filings as prescribed

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 thirty days after the date hereof.

Dated at San Francisco, California, this 8th day
of AUGUST, 1978.

Robert B. Berman
President

George L. Sturgeon
Robert D. Hoobler

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dodrick, being necessarily absent, did not participate in the disposition of this proceeding.

Western Salt Company 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 all points in the County of San Diego subject to the restrictions shown below:

1. Whenever Western Salt Company engages other carriers for the transportation of property of H. G. Fenton Material Company, Pre-Mixed Concrete Company, Monarch Materials Company, Western Salt Company, Long Beach Salt Company, Ocean Salt Co., Hunte Trucking Company, Inc., or divisions, subsidiaries or affiliates or customers or suppliers of said companies or corporations, Western Salt Company shall not pay such other carriers rates and charges less than the rates and charges published in the tariffs of Western Salt Company on file with the Commission.
2. 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 89202, Application 57940.