

AUG 22 1978

ORIGINAL

Decision No. 89295

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of:)
INTERMARKET TRANSPORTATION)
SYSTEMS, INC., a California cor-)
poration, to purchase from BURTON)
TRUCK & TRANSFER CO., a California)
corporation, the Certificate 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)
issuance of an In-Lieu Certificate)
of Public Convenience and Neces-)
sity.)

Application No. 58131
(Filed June 12, 1978)

O P I N I O N

Burton Truck & Transfer Co., a California corporation, (seller) requests authority to sell and transfer and Intermarket Transportation Systems, Inc., a California corporation, (purchaser) requests 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 85200 dated December 2, 1975 in Application 56008 and authorizes the transportation of general commodities in an area of Southern California encompassing metropolitan Los Angeles including Los Angeles Harbor and Santa Monica area; portions of San Fernando and San Gabriel Valleys; and the northwestern portion of Orange County. The certificate is the subject of a co-extensive Certificate of Registration issued by the Interstate Commerce Commission in Docket No. MC-3854 (Sub No. 5). Seller also operates pursuant to permits issued by this Commission which are not part of this transaction.

Purchaser proposes to purchase and acquire the highway common carrier certificate for \$5,000 and the Certificate of Registration for \$5,000; said purchase price payable in cash upon consummation of the transaction.

Purchaser presently holds highway carrier permits issued by this Commission under File No. T-118163. Purchaser's balance sheet of April 1, 1978 filed as Exhibit B to the application shows a net worth of \$17,044.

Seller is a party to Western Motor Tariff Bureau, Agent, tariff publications to provide rates and rules for operations under the certificate to be transferred. Purchaser proposes to adopt these tariffs.

A copy of the application has been forwarded to the California Trucking Association and notice of the filing of the application appeared in the Commission's Daily Calendar of June 14, 1978. The applicants request relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. No protests to the application have been received.

After consideration the Commission finds that the proposed sale and transfer of the operating rights would not be adverse to the public interest and that the requested deviation from the Commission's Rules of Practice and Procedure should be authorized.

The Commission concludes that the application should be granted as set forth in the ensuing order. 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 held by Burton Truck & Transfer Co. and the issuance of an in-lieu certificate in appendix form to Intermarket Transportation Systems, Inc., a California corporation.

Purchaser is placed on notice that operating rights, as such, do not constitute a class of property which may be used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as consideration for the grant of

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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 value of rights authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. Burton Truck & Transfer Co. may sell and transfer the operative rights referred to in the application to Intermarket Transportation Systems, Inc. This authorization shall expire if not exercised by January 31, 1979 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 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 Intermarket Transportation Systems, 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 set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision 85200 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchaser shall comply with the safety rules of 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 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.

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

Dated at San Francisco, California, this 22nd day of AUGUST, 1978.

Robert Baberich
President
William S. Quinn-Jr.
Yvonne L. Sturgeon

Commissioners

Commissioner Richard D. Cravollo, being necessarily absent, did not participate in the disposition of this proceeding.

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

INTERMARKET TRANSPORTATION SYSTEMS, INC.
(a California corporation)

Intermarket Transportation Systems, 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 in the following described area:

Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Sepulveda Boulevard; northerly along Sepulveda Boulevard to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway 118 to its junction with Interstate Highway 210; thence via Interstate Highway 210 to its junction with Colorado Boulevard in the City of Pasadena; easterly along Colorado Boulevard to State Highway 19; southerly along State Highway 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with 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 State Highway 72; southeasterly and southerly on State Highway 72 to State Highway 90; southeasterly on State Highway 90 to State Highway 91; southerly on State Highway 91 to State Highway 55; southerly along State Highway 55 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 the point of beginning.

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).

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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. 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.
5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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