

Decision No. 90638

JUL 31 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Mainline Transportation System,)
a corporation, for a certificate)
of public convenience and neces-)
sity to operate as a highway)
common carrier of general com-)
modities (with named exceptions))
between the points and places in)
the Los Angeles Basin Region,)
as defined, and San Diego Ter-)
ritory, pursuant to Sections)
1063-1064 of the Public Utilities)
Code.)

Application No. 42764
(Filed October 17, 1960)

SUPPLEMENTAL OPINION AND ORDER

Mainline Transportation System (seller), a California corporation, seeks authority to transfer and Georgia Highway Express, Inc. (purchaser), a Georgia corporation, qualified to do business in California seeks authority to acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The certificate was granted by Decision 62997 dated January 2, 1962 in Application 42764, and amended by Decision 64136 dated August 21, 1962 and by Decision 74082 dated May 7, 1968 in that proceeding. It authorizes the transportation of general commodities with certain exceptions between Los Angeles Basin Region as defined, on the one hand, and San Diego Territory, on the other hand. No local service is authorized between points in the said Region or Territory, nor is service authorized to, from, or between points intermediate between the same.

The transfer is subject to the exclusive and plenary jurisdiction of the Interstate Commerce Commission under Section 11343 (formerly Section 5) of the Interstate Commerce Act, 49 USCA Section 11343. That Commission has issued its order in Decision MC-F-13378.

which approved the acquisition as applied for. The order was served on January 29, 1979.

The value placed on the operating rights is \$125,000 of which \$5,000 was deposited as earnest money at the time of signing the agreement of sale; \$80,000 was paid as lease rental for periods of temporary operation and control as authorized by the Interstate Commerce Commission, and the balance of \$40,000 was paid upon final approval by that Commission.

After consideration this Commission finds that the proposed transfer would not be adverse to the public interest of California and concludes that it should be authorized. We further find, with reasonable certainty, that the project herein involved will not have a significant effect on the environment. 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 Mainline Transportation System and the issuance of a certificate in appendix form to Georgia Highway Express, Inc.

Georgia Highway Express, Inc., 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 paid to the State as consideration for the grant of such rights. 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 the rights to be transferred.

O R D E R

IT IS ORDERED that:

1. In accordance with the approval of the Interstate Commerce Commission and effective therewith, Mainline Transportation System may transfer the operative rights referred to in the application to Georgia Highway Express, Inc. This authorization shall expire if not exercised by November 1, 1979, or within such additional time as may be authorized by this 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 No. 80-Series. Failure to comply with the provisions of General Order No. 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 Georgia Highway Express, Inc., a Georgia corporation, qualified to do business in California, 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 route set forth in Appendix A of this decision.

5. The certificate of public convenience and necessity granted by Decision No. 62997, 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 No. 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 March 31 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 No. 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.

The effective date of this order shall be thirty days after the date hereof. **JUL 31 1979**

Dated _____, at San Francisco, California.

John E. Bryan
President

Verizon L. Sturgeon

Richard D. Howell

Clayton T. DeLuise

James H. Pennington
Commissioners

Georgia Highway Express, 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 as follows:

- A. Between all points in the Los Angeles Basin Region as described in Note A hereof, on the one hand, and on the other hand all points within the San Diego Territory as described in Note B hereof, subject to the following restriction:

RESTRICTION:

The authority herein granted does not include the right to render service locally between points in said Los Angeles Basin Region or San Diego Territory nor the right to render service to, from or between points intermediate between said Region and Territory.

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 salesman's hand sample cases, suitcases, overnight or boston bags, briefcases, 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. 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. Logs.

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8. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
19. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

NOTE A

LOS ANGELES BASIN REGION

LOS ANGELES BASIN REGION includes that area beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundaries of said City to its point of first intersection with the southerly boundary of Angeles and San Bernardino National Forests to the point of intersection of said southerly boundary of the San Bernardino National Forest and San Bernardino-Riverside county line, thence in a southerly and westerly direction along said county boundary to a point thereon distant 5 miles east of the intersection of said county boundary and State Highway 91, thence generally southerly and southwesterly along a line generally paralleling and distant 5 miles from State Highway 91, State Highway 55, Interstate Highway 5, Niguel Road, Laguna Canyon Road, and the prolongation thereof to the Pacific Ocean, thence along the coastline of the Pacific Ocean to the point of beginning.

NOTE B

SAN DIEGO TERRITORY

The SAN DIEGO TERRITORY includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S-17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

(END OF APPENDIX A)

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