

90676

AUG 14 1979

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of C. R. & S. Tank )  
Lines, Inc. to purchase  
Petroleum Irregular Route  
Certificate of Associated  
Freight Lines.

Application No. 58910  
(Filed June 5, 1979)

O P I N I O N

Associated Freight Lines requests authority to sell and transfer and C. R. & S. Tank Lines, Inc. requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier.

The certificate was granted by Decision No. 86731 dated December 12, 1976 in Application No. 56540 and authorizes operations between all points and places within the State. The agreed consideration is \$10,000 payable within 60 days from the filing of the application in two installments of \$3,330 and a final installment of \$3,340.

Applicant purchaser is located in Benicia, California. It owns and operates 16 units of equipment and as of March 31, 1979 indicated a net worth in the amount of \$43,389.

A copy of the application was served upon the California Trucking Association and notice of the application was published in the Commission's Daily Calendar on June 6, 1979. No protest has been received.

Findings of Fact

1. The proposed transfer would not be adverse to the public interest.
2. A public hearing is not necessary.

3. It is reasonable for the order which follows to provide that, in the event the transfer is completed, the certificate presently held by Associated Freight Lines should be revoked and a new certificate be issued in appendix form to C. R. & S. Tank Lines, Inc.

4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The Commission concludes that the application should be granted.

C. R. & S. Tank Lines, Inc. 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 canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. Associated Freight Lines may sell and transfer the operative rights referred to in the application to C. R. & S. Tank Lines, Inc. This authorization shall expire if not exercised by May 1, 1980, 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 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. On or before the end of the third month after the transfer, the purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. 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 C. R. & S. Tank Lines, Inc., a corporation, authorizing it to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, as set forth in Appendix A of this decision.

6. The certificate of public convenience and necessity granted by Decision No. 86731 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. 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.

8. 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.

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

Dated AUG 14 1979, at San Francisco, California.

John E. Byron  
President

Thomas L. Steinson

Alfred T. Hedgich  
Ronald J. Smith  
Commissioners

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

C. R. & S. Tank Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code for the transportation of petroleum and petroleum products in bulk, in tank trucks or trailers, between all points and places in the State of California, subject to the the following restriction:

Restriction: The transportation of waste materials under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 90676, Application 58910.