

ORIGINAL

Decision No. 90901 SEP 12 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WEST WORLD TRANSPORTATION CO., INC., a corporation, for authority to (a) acquire a Certificate of Public Convenience and Necessity, and (b) issue a Promissory Note and execute and deliver a Security Agreement, and P & G TRANSPORT, INC., a corporation, for authority to transfer pursuant to Sections 816 to 830 and 851 to 854 of the Public Utilities Code.

Application No. 58968  
(Filed June 27, 1979)

O P I N I O N

P & G Transport, Inc. requests authority to sell and transfer and West World Transportation Co., Inc. requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier. Authority is also requested by purchaser to execute and issue a promissory note.

The certificate was granted by Decision No. 87456 dated June 7, 1977 in Application No. 57204 and authorizes the transportation of general commodities, with certain exceptions, between points within the Los Angeles area. Included also in the sale is the transfer of corresponding registered interstate authority. The agreed consideration is \$40,000 to be paid as follows:

- (a) The sum of \$6,100 is to be paid upon execution of the agreement.
- (b) The balance of \$33,900 in the form of a promissory note payable in 39 equal monthly installments with interest at the rate of 9 percent per annum.

A value of \$20,000 is placed upon the intrastate authority and a value of \$20,000 is placed upon the interstate authority.

Purchaser is presently operating as a permitted carrier and as of March 31, 1979 indicated a net worth in the amount of \$60,730.

A copy of the application was served upon the California Trucking Association and notice was published in the Commission's Daily Calendar on June 19, 1979. No protest has been received.

#### Findings of Fact

1. After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. 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 seller and the issuance of a certificate in appendix form to purchaser.

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

3. The proposed security issue is for proper purposes and the money, property, or labor to be procured or paid for by the issue of the security authorized by this decision is reasonably required for the purposes specified, which purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

#### Conclusion of Law

The application should be granted as requested.

Purchaser 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. P & G Transport, Inc. may sell and transfer the operative rights referred to in the application to West World Transportation Co., Inc. This authorization shall expire if not exercised by June 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 West World Transportation Co., Inc., a corporation, 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 routes set forth in Appendix A of this decision.

6. The certificate of public convenience and necessity granted by Decision No. 87456 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.

9. 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.

10. Purchaser may execute and issue a promissory note in the amount of \$33,900.

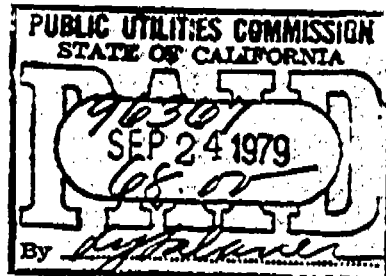
The authority granted by this order to issue an evidence of indebtedness (and to execute and deliver an encumbering document) will become effective when the issuer has paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$68. In other respects the effective date of this order shall be thirty days after the date hereof.

Dated SEP 12 1979, at San Francisco, California.

John E. Snyron  
President

Richard D. Lovell  
Commissioners

James W. ...  
Commissioners



West World Transportation Co., 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 within the following 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 National Forest; thence along the southerly boundary of Angeles and San Bernardino National Forests to the points of intersection of said southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County Line; thence in a southerly and westerly direction along said county boundary to a point thereon distant 5 statute 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 statute miles from State Highway 91, State Highway 55, Interstate Highway 5, Laguna Canyon Road, and the prolongation thereof to the Pacific Ocean, thence along the coastline of the Pacific Ocean to the point of beginning.

Issued by California Public Utilities Commission.

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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 bus, 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.

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6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.
8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

(END OF APPENDIX A)

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