

**ORIGINAL**

Decision No. 92002 JUL 2 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PHILIP A. RIVERA, doing business as  
PAR TRUCKING, to extend his certificate  
of public convenience and necessity for  
the transportation of cement between  
points in the counties of Fresno,  
Imperial, Inyo, Kings, San Luis Obispo  
and Tulare pursuant to Section 1063 of  
the California Public Utilities Code.

Application No. 59639  
(Filed May 8, 1980)

O P I N I O N

Philip A. Rivera, doing business as Par Trucking, holds a certificate of public convenience and necessity to operate as a cement carrier from any and all points of origin to any and all points in the counties of Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura. By this application authority is requested to extend applicant's certificated cement carrier operations to include the counties of Fresno, Imperial, Inyo, Kings, San Luis Obispo, and Tulare.

Applicant alleges that the proposed extended service will be in the public interest for the following stated reasons:

1. Par Trucking now finds itself in a nonexpansive position and is urgently in need of additional traffic in order to meet its obligations to shippers. It is contended that with the extension of his cement carrier operations and related assets, applicant can obtain sufficient traffic to satisfy shippers and make an orderly distribution of cement to construction and building projects.

2. No change in the competitive relationship between carriers is contemplated as the withdrawal of certain carriers from cement carrier operations will balance the extension of applicant's service into the new counties of operation.

3. Applicant states that the management of Par Trucking is composed of well-qualified personnel working under his direction and that with 10 years experience in the trucking business applicant is thoroughly capable of handling the internal problems of a transportation company operating as a certificated cement carrier.

4. In support of applicant's financial ability and facilities a pro forma balance sheet and income statement as of December 31, 1979 for Par Trucking were submitted as Exhibits 2 and 3 attached to the application.

It is explained that Par Trucking is not a party to any through or joint rates with other cement carriers. Applicant's lawfully published tariff rates are currently set forth in Western Motor Tariff Bureau, Inc., Tariff No. 17, CPUC 21 and Distance Table No. 8.

Applicant requests relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. A copy of the application was forwarded to the Western Motor Tariff Bureau, Inc., the California Trucking Association, and the Pacific Motor Tariff Bureau. Notice of the filing of the application appeared in the Commission's Daily Calendar of May 8, 1980. No protests to the application have been received.

#### Findings of Fact

1. Applicant has the experience and financial ability required to institute and maintain the proposed extended certificated operation as a cement carrier.

2. Public convenience and necessity require the granting of the proposed extended service by applicant.

3. It can be seen with certainty that there is no possibility that the project in question may have a significant effect upon the environment.

The Commission concludes that Application No. 59639 should be granted. A public hearing is not necessary. The ensuing order will provide for the revocation of applicant's present certificate and the issuance of an in lieu certificate in appendix form.

Philip A. Rivera is hereby 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. A certificate of public convenience and necessity is granted to Philip A. Rivera, an individual doing business as Par Trucking, authorizing him to operate as a cement carrier as defined in Section 214.1 of the Public Utilities Code as more particularly set forth in Appendix A of this decision.

2. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 81605, dated July 17, 1973 in Application No. 54016, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 4(b).

3. Applicant is granted the sought relief from the Commission's Rules of Practice and Procedure to the extent requested in the application.

4. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure to do so may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that, if he accepts the certificate he will be required, among other things, to comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order, on not less than thirty days' notice to the Commission and to the public, and the effective date of the tariff filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117-Series.
- (e) Applicant shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, he 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.

Dated JUL 2 1980, at San Francisco, California.

John E. Bryan  
President  
Richard W. Small  
Charles F. Sedwick  
Lawrence J. Jamin  
Commissioners

Appendix A

PHILIP A. RIVERA  
(An Individual)  
doing business as  
PAR TRUCKING

Original Page 1

Philip A. Rivera, doing business as Par Trucking, 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 any and all points in the counties of:

Fresno	Riverside
Imperial	San Bernardino
Inyo	San Diego
Kern	San Luis Obispo
Kings	Santa Barbara
Los Angeles	Tulare
Orange	Ventura

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 No. 92002, Application No. 59639.