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NOV 12 1980

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of VAUGHN GARABEDIAN, dba GAR-LINE)
MOTOR TRANSPORT to sell and transfer)
a certificate of public convenience)
and necessity authorizing the)
transportation of cement to GOLDEN)
FARMS EXPRESS, INC., a California)
corporation.)

Application No. 59784
(Filed June 27, 1980)

O P I N I O N

Vaughn Garabedian (transferor), an individual doing business as Gar-Line Motor Transport, has applied to transfer a cement carrier certificate to Golden Farms Express, Inc. (purchaser), a California corporation. Transferor holds authority to transport cement throughout Fresno County and has submitted a copy of a freight bill dated April 22, 1980 to show that he has exercised his operating authority within the past year.

Purchaser was incorporated on November 30, 1973 as a hauler of general commodities by truck. It presently operates as a contract carrier. The equipment list and financial statement of purchaser are attached to the application. The purchase price is \$100 which shall be paid within 30 days after the order of this Commission becomes effective.

Transferor has been operating as a cement carrier since 1964. He is getting out of the business of transporting cement and is transferring his authority to another experienced and capable carrier to carry on service in the same manner and frequency as provided by transferor. Applicants request that the transfer be granted ex parte. The application was served on California

Trucking Association, Western Motor Tariff Bureau, Inc., seven cement manufacturing companies, and four cement carriers. Notice of the filing of the application was published in the Commission's Daily Calendar on July 3, 1980. No protests have been filed.

Findings of Fact

1. A public hearing is not necessary.
2. The proposed transfer will not be adverse to the public interest.
3. 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 proposed transfer should be authorized as provided in the order which follows.

Golden Farms Express, 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. Vaughn Garabedian may sell and transfer the operative rights referred to in the application to Golden Farms Express, Inc. This authorization shall expire if not exercised by January 1, 1981, 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. 117-Series. Failure to comply with the provisions of General Order No. 117-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 Golden Farms Express, Inc., authorizing it to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, between the points set forth in Appendix A of this decision.

5. The certificate of public convenience and necessity granted by Resolution No. 13821 dated June 23, 1964 in Application No. 46372 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 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 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.

Dated NOV 18 1980, at San Francisco, California.

John E. Byrne President
Norman L. Stanger
Michael D. Howell
Clare J. Dedrick
Samuel L. Jerning Commissioners

Golden Farms Express, Inc., 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 all points in the County of Fresno subject to the following restrictions:

1. Whenever Golden Farms Express, Inc., engages other carriers for the transportation of property of Golden Farms Express, Inc., or customers of suppliers of said corporation, Golden Farms Express, Inc. shall not pay such other carriers less than 100% of the rates and charges published in Golden Farms Express, Inc.'s tariffs on file with the Commission for the transportation actually performed by such other carriers.
2. 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 92427, Application 59784.