

Decision 93280

JUL 7 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
IN-A-JIFFY DELIVERY, INC., a
corporation, to acquire, and
LEO ADAMS, an individual, to
transfer a Common Carrier Certificate
(pursuant to Sections 851 and 1064.5,
et seq., of the California Public
Utilities Code.)

Application 60278
(Filed February 18, 1981)

O P I N I O N

This is an application in which Leo Adams (Adams) seeks authority to sell and transfer his highway common carrier operating rights to In-a-Jiffy Delivery, Inc. (In-a-Jiffy).

Notice of the filing of the application appeared in the Commission's Daily Calendar. There have been no protests. The Commission makes the following findings and conclusion.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Adams holds a certificate of public convenience and necessity to operate as a highway common carrier issued under Public Utilities (PU) Code § 1063.5 in Application (A.) GC-1013, under File T-89,427.
3. Adams has conducted operations in good faith under his highway common carrier operating authority transporting general commodities among and between points in the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Imperial, Ventura, and Santa Barbara.
4. In-a-Jiffy is a California corporation which holds a highway contract carrier permit issued by this Commission in File T-125,532.
5. Adams and In-a-Jiffy have entered into an agreement in which In-a-Jiffy agreed to purchase Adams' operating rights for \$250.
6. In-a-Jiffy had operating revenues of \$84,823 and a net revenue of \$30,124 for the calendar year 1980.

7. In-a-Jiffy has the ability, including financial ability, to conduct the proposed operations.

8. The transfer of operating rights from Adams to In-a-Jiffy would not be adverse to the public interest.

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

10. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.

11. The operating rights authorized to be transferred should be restated in a new certificate of public convenience and necessity.

Conclusions of Law

1. Adams should be authorized to transfer to In-a-Jiffy highway common carrier operating rights authorizing the transportation of general commodities between all points within the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Imperial, Ventura, and Santa Barbara.

2. The authority to be transferred was operated by the transferor in good faith as that term is used in PU Code § 1064.5.

In-a-Jiffy 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. On or before December 31, 1981, Leo Adams (Adams) may transfer his highway common carrier operating authority to transport general commodities within and between points in the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Imperial, Ventura, and Santa Barbara to In-a-Jiffy Delivery, Inc. (In-a-Jiffy).

2. Within thirty days after the transfer applicants shall file with the Commission written acceptance of the certificate and a true copy of the instrument of transfer.

3. Applicants shall amend or reissue the adoption notices on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that they have adopted or established, as their own, the rates and rules. The adoption notice 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 adoption notice filings shall be concurrent with the transfer. The adoption notice filings made under this order shall comply in all respects with the regulations governing the construction and filing of adoption notices set forth in the Commission's General Order Series 80. Failure to comply with the provisions of General Order Series 80 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 In-a-Jiffy 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 transferor 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 adoption notice filings required by paragraph 3, a certificate of public convenience and necessity is granted to In-a-Jiffy Delivery, Inc. authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points set forth in Appendix A of this decision.

6. The certificate of public convenience and necessity in A.GC-1013 under File T-89,427, effective April 30, 1980, is amended as set forth in Appendix B of this decision concurrently with the effective date of the adoption notice filings required by paragraph 3.

7. In-a-Jiffy shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order Series 100.

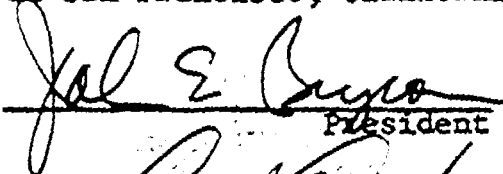
8. In-a-Jiffy shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

9. In-a-Jiffy shall comply with the requirements of the Commission's General Order Series 84 for the transportation of collect-on-delivery shipments. If In-a-Jiffy elects not to transport collect-on-delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

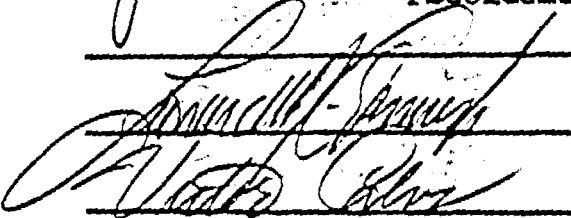
This order becomes effective 30 days from today.

Dated JUL 7 1981, at San Francisco, California.

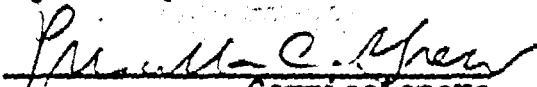
Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.



President



Commissioner



Commissioners

In-A-Jiffy Delivery, 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:

Within and between all points in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura.

Except that pursuant to the authority herein granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institution furniture and fixtures.
2. Automobiles, trucks, and buses, new and used.
3. Ordinary livestock.
4. Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk in any tank truck or tank trailer.
5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Issued by California Public Utilities Commission.

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Appendix A

IN-A-JIFFY DELIVERY, INC.
(a California corporation)

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7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Explosives subject to U.S. Department of Transportation Regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
13. Any commodity, the transportation or handling of which, because of width, length, height, weight, shape, or size, requires special authority from a governmental agency regulating the use of highways, roads, or streets.
14. Transportation of liquid or semi-solid waste, or any other bulk liquid commodity in any vacuum type tank truck or trailer.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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Appendix B
Amendment to
Section 1063.5
Certificate

LEO ADAMS
(an individual)

Original Page 1

Leo Adams, an individual, by the certificate of public convenience and necessity issued under Public Utilities (PU) Code Section 1063.5 in Application GC 1013, is authorized to conduct operations to the extent set forth in that certificate, as a highway common carrier, as defined in PU Code Section 213, except within and between all points in the counties enumerated in Appendix A of the decision noted in the margin.

(END OF APPENDIX B)

Issued by California Public Utilities Commission,
original issue effective April 30, 1980, GC 1013.

Amended by Decision 93280, Application 60278.