

T/SEG/AFM/WPSC

Decision 93624 OCT 6 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of Louis A. Morrison, Jr., an )  
individual, for authority to )  
transfer a highway common carrier )  
certificate to Fortrans Inc., )  
intrastate. )

Application 60403  
(Filed March 30, 1981)

O P I N I O N

This is an application in which Mildred Morrison, Executrix of the Estate of Louis A. Morrison Jr., deceased, (seller) seeks authority to sell and transfer his highway common carrier certificate to Fortrans, Inc., (purchaser), a California corporation.

The certificate was issued under authority of Public Utilities Code (PU) Code Section 1063.5. Seller has filed a certificate asserting actual operations in good faith as that term is used in PU Code Section 1064.5 within and between all counties in the State of California.

Notice of the filing of the application appeared in the Commission's Daily Calendar of April 1, 1981. There have been no protests. The Commission makes the following findings and conclusion.

Findings of Fact

1. Seller holds a certificate of public convenience and necessity to operate as a highway common carrier issued under PU Code Section 1063.5 in Application GC 868, under File T-26,544.

2. Seller conducted actual operations in good faith under the certificate within and between all counties in the State of California.

3. Purchaser is a newly formed California corporation. Its officers have been in the freight hauling business for a considerable period of time. Purchaser holds no operating authority from this Commission at present.

4. Seller and purchaser have entered into an agreement in which purchaser would purchase seller's operating rights for \$500.

5. Purchaser's Balance Sheet dated January 15, 1981 shows a net worth of \$104,559 for the year 1981.

6. Purchaser has the experience and financial ability to conduct the proposed operation.

7. The transfer of the operating rights from seller to purchaser would not be adverse to the public interest.

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

9. The following order will have no reasonably foreseeable impact on the energy efficiency of highway carriers.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may modify or cancel the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Mildred Morrison, Executrix of the Estate of Louis A. Morrison, Jr., deceased, may sell and transfer the operative rights specified in the application to Fortrans, Inc., a California corporation. This authority shall expire if not exercised by December 31, 1981, or within such additional time as the Commission may authorize.

2. Purchaser shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue seller's tariffs. The tariffs shall not be effective, before the date of transfer, nor before 5 days' notice is given to the Commission.

- c. Comply with General Orders Series 80, 100, and 104 and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Comply with General Order Series 84 (collect-on-delivery shipments). If purchaser elects not to transport collect-on-delivery shipments it shall file the tariff provision required by that General Order.



3. If the transfer is completed on the effective date of the tariffs, a certificate of public convenience and necessity is granted to Fortrans, Inc., a California corporation, authorizing it to operate as a highway common carrier as defined in PU Code Section 213, between the points set forth in Appendix A of this decision.

4. The certificate of public convenience and necessity granted to Louis A. Morrison Jr., an individual, under PU Code Section 1063.5 in Application GC 868 is revoked.

This order becomes effective 30 days from today.

Dated October 6, 1981, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

*I certify that this decision was  
approved by the above Commissioners  
today.*  
  


Fortrans, 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 and between all points in the State of California as follows:

Except that under the authority 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.

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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. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
10. Explosives subject to U.S. Department of Transportation Regulations governing the transportation of hazardous materials.
11. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.
12. 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.
13. Transportation of liquid or semi-solid waste, or any other bulk liquid commodity in any vacuum-type tank truck or trailer.

In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service.

(END OF APPENDIX A)

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